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8

Senates Chamber

Little Rock Ark
Monday May 11th 1874

In accordance with the following Proclamation, to wit:

Proclamation by the Governor

To the Members of the Senate and House of Representatives of the General Assembly of the State of Arkansas:

Events of the most extraordinary character, involving the peace and welfare of the people of the State, having recently transpired, as the Executive of the State I communicated these matters to the Executive of the nation, stating to him, that I had been forcibly ejected from the Executive Office, and was prevented by the intervention of Federal troops, from asserting by force, any claim to said office. At last, on this 22nd day of April A.D. 1874 I sent the following dispatch to the President:

"To the President of the United States:

" As I can not move with any troops to assert my claims to the office of Governor, without a collision with the United States troops, which I will not bring about under any circumstances, I propose to call the Legislature together at an early day, and leave them to settle the question, as by law they alone have the jurisdiction; but to do this, the members of the Legislature must have assurances of protection from you, and a guaranty that they may meet in safety. This will be a peaceable solution of the difficulty; and I will readily abide by the decision of the Legislature.

Elisha Baxter
Governor of Arkansas

I was promptly assured by the President, in the following language:

Washington April 22nd

"Hon. Elisha Baxter, Little Rock, Ark.

"I heartily approve any adjustment, peaceably, of the pending difficulty in Arkansas — by means of the Legislative Assembly, the Courts or otherwise and I will give all the assistance and protection I can under the Constitution and laws of the United States, to such modes of adjustment. I hope that the military forces on both sides will now disband.

U. S. Grant
President

Now therefore, deeming the present occasion one of sufficient magnitude, and after such assurances received from the Executive of the nation, I deem myself warranted in the exercise of the power vested in me by the Constitution of the State, to convene, and I do hereby convene, the Legislature of the State of Ark. to meet at Little Rock, the Capital of the State, on Monday the 11th day of May A.D. 1874, at 12 O'Clock, M.

In testimony whereof, I have hereunto set my hand and affixed my private seal, the seal of the State not being at present accessible. Done at the Capital, this 22nd day of April in the year of our Lord One Thousand Eight hundred and Seventy four.

E.B.

Elisha Baxter
Governor of Arkansas

By the Governor:

J. M. Johnson
Secretary of State

The following named Senators of the State of Arkansas met at 12 O'clock noon on Monday the 11th day of May 1874 in the City of Little Rock the Capital of the State, viz:

Senators

B. F. Askew
G. B. Bowers
R. W. McChesney
Thos J. Ratcliffe

On motion of Senator Ratcliffe Senator Askew was called to the chair, and Senator McChesney was chosen Secretary pro tem.

The chair then presented the following Communication from the Secretary of State:

Office of Secretary of State Arkansas
Little Rock May 11th 1874

To the President of the Senate

I herewith transmit a true & correct List of the Members elected to the Senate at a special election held on the 4th day of November 1873, as appears from the returns on file in my office. The list has been examined and compared, & from the papers in my possession the same is correct.

J. M. Johnson
Secty State
by
A. H. Garland Dpy S.S.

5th District. Senator
Jno R. H. Scott, of Pope

7th District. Senator
J. Duragin of Benton

9th District. Senator
J. M. Collard of Woodruff

11th District. Senator
Ezra Sawyer of Phillips

12th District. Senator
Geo. F. Lowry of Prairie

14th District Senator
James K. Jones of Hempstead

15th District. Senator
James Borrans of Lafayette
holds the office of Dispensiat

17th District. Senator
J. D. McCabe of Clark

19th District. Senator
H. G. Brum of Ouachita

The following Senators elect, then came forward, presented their Credentials, and the Oath of Office administered to them by A. E. Livingston Justice of the Peace of Faulkner County:

J. R. H. Scott	5th	District
J. M. Bollard	9th	"
Jas K. Jones	14	"
A. S. Burns	19	"

On motion, Jno E. Cottrell was chosen, to act as temporary Sergeant at Arms.
On motion the Sergeant at Arms was instructed, to notify absent members to attend.
No quorum being present, the Senate adjourned till to morrow morning at 10 O'clock

Approved

B. F. Askew
Chairman

R. W. McDaniel
Secretary pro tem

Senate Chamber

Little Rock Ark. May 12th 1874

Senate met pursuant to adjournment
Senator Askew in the Chair
The Roll being called the following Senators answered to their names
Senators:

Askew
Beasers
Duke
Erickson
T.A. Hanks
McDaniel
Ratcliff
Scott
Bollard
Jones
Burns

Total 11

No quorum being present, the Senate on motion of Senator Ratcliff adjourned till to morrow morning at 10 O'clock

B. F. Askew
Chairman

R. W. McDaniel
Secy pro tem

Senate Chamber Ditto Building

Little Rock May 13th 1874.
Wednesday Morning 10 O'Clock

Senate met pursuant to adjournment, Senator B. D. Askew in the chair.

W. W. Derrick the Secretary called the Roll, and the following Senators answered to their names:

Senators Askew, Beavers, Brown, Bunn, Dunagin, Duke, Frierson, Hanks, Jones, McCabe, McCraney, Pollard, Ratcliffe and Scott

Total 14

whereupon the chair announced that a quorum of the whole Senate was present, and asked the pleasure of the Senate.

Senator Ratcliffe suggested that of the senators answering to their names, were Senators Dunagin & McCabe, who were certified to this body as being elected to fill vacancies in the 9th & 8th Districts respectively, and moved that they present their credentials, and be sworn in, which was agreed to.

And thereupon the Senators named presented themselves with their credentials and the Oath of Office was administered to them by R. B. Livingston Esq, Justice of the Peace of Faulkner County.

Senator Ratcliff moved that the Senate proceed to the election of a President pro tempore of the Senate, agreed to.

Senator Ratcliffe put in nomination Senator Frierson.

Senator Duke nominated Senator Askew.

A Ballot was then had & the following was the result:

Voting for Senator Frierson were Senators:
Askew, Beavers, Brown, Bunn, Jones, McCabe, Pollard, Ratcliffe & Scott.

Total 9.

Voting for Senator Askew were Senators
Dunagin, Duke,
Frierson, Hanks & McCraney

Total 5.

The Secretary announced the vote, & thereupon the Chairman proclaimed Senator Frierson as President pro tem of the Senate, who took his seat as such.

Senator Ratcliffe moved that the Senate proceed to the election of a Sergeant at Arms — agreed to.

Senator Ratcliffe nominated Mr Jno F. Cottrell. There being no other nominations the Secty called the roll & the result was as follows:

Voting for Mr Cottrell were Senators: Askew, Beavers, Brown, Bunn, Dunagin, Duke, Hanks, Jones, McCabe, McCraney, Pollard, Ratcliffe, Scott & Frierson

Total 14.

Thereupon the President pro tem declared Mr Cottrell duly elected, who then came forward & took the Oath of Office prescribed by law.

Senator Ratcliffe moved that the Secty furnish a list of the elective offices of the Senate, and that the Senate proceed temporarily, to fill such vacancies as may exist.

Senator Hanks objected and upon this motion, action on the motion of Senator Ratcliffe was postponed until to morrow.

Senator Ratcliffe moved that a committee of three be appointed to wait upon the House, and inform them that the Senate

was duly organized with a quorum present, and ready to proceed to business.

The President appointed as such Committee Senators Ratcliffe, Brown & Bunn, who retired, to perform the duty assigned to them.

After the lapse of a few minutes the Committee returned & reported themselves as having performed their duty, and on motion of Senator Hawkins their report was received & the Committee discharged

On motion of Senator Duke the Senate took a recess until 12 O'Clock P.M.

After recess

A Committee from the House was announced, who through their Chairman Mr Rindall reported to the Senate, that they were instructed by the House, to inform the Senate, that a quorum of the House was present, and that they were duly organized & ready for business.

A Message from the House was here received as follows:

Hall of House of Representatives May 13th 1874

Mr President

I am instructed by the House of Representatives to inform your honorable Body of the passage by the House of the Concurrent resolutions of the House (House Conc. Reso.) 1 & 2, which are herewith respectfully transmitted for your favorable Consideration

Chas O'Raid Jr
Clerk pro tempore

Resolved: that a Committee of three be appointed on the part of the House, to join such Committee as may be appointed by the Senate, to waiton Governor Baxter and inform him, that in obedience to his proclamation, a quorum of the two Houses has assembled, and that the general Assembly is now ready to receive any Communication he may be pleased to make.

House Concurrent Resolution No 2

Resolved that a Committee of Conference of 5 Members of this House be appointed to confer with a like Committee from the Senate, to draft such joint resolutions, as they may deem proper for the immediate Consideration of their respective Houses.

Senator Brown called up H. Concurrent Resolution No 1 and moved that action upon it be postponed until to morrow Morning agreed to

Senator Brown called up H. Concurrent Resolution No 2 and moved its adoption.

Senator Duke moved that it lay over until to morrow at 10 O'clock

Upon this Motion Senator Bunn demanded the Ayes & Noes

The roll being called the following Senators voted in the affirmative.

Senators Duke, Hawkins & McDaniel, Total 3.

In the negative:

Senators Askew, Bowers, Brown, Bunn, Dunagan, Frierson, Jones, McCabe, Pollard, Ratcliffe & Scott. Total 11.

So the Motion to postpone was lost.

Senator Duke then offered the following Amendment:

Amend by adding after the last word:

"In regard to the organization of the General Assembly"

which upon a call for the Ayes & Noes was lost by the following vote.

Ayes Senators Askew, Duke, Hawkins, McDaniel & Ratcliffe Total 5

Noes

Senators Beavers, Brown, Bunn, Dunagin, Frierson, Jones, McCabe, Pollard & Scott.

Total 9.

The question then recurring to the adoption of the original resolution, as it came from the House, it was agreed to by the following vote:

Voting in the affirmative were Senators

Aiken, Beavers, Brown, Bunn, Dunagin, Duke, Frierson, Jones, McCabe, Pollard, Ratcliffe & Scott

Total 12

In the negative: Senators Hawks & McChesney

The chair then appointed as a Committee on the part of the Senate, under the said concurrent resolutions Senators:

Brown, McCabe, Duke, Beavers & Jones

The Senate then took a recess for 15 minutes.

After recess on motion of Senator Aiken, the Senate adjourned, until to morrow at 10 o'clock a.m.

approved

A. G. Frierson

Pres. pro tem

Attest

W. M. Derrick

Sec. pro tem

Senate Chamber

Saturday day 14th 1874

Senate met pursuant to adjournment, Senator Frierson in the chair.

The Secretary called the roll & the following Senators answered to their names:

Senators:

Aiken, Beavers, Brown, Bunn, Dunagin, Frierson, McCabe, McChesney & Ratcliffe

Total 9

No quorum being present the senate took a recess for 15 minutes and ordered the sergeant at arms, to notify absent members to attend

After recess

The roll was called & the following Senators answered to their names

Senators Aiken, Beavers, Brown, Bunn, Dunagin, Duke, Frierson, Jones, McCabe, McChesney, Pollard, Ratcliffe & Scott

Total 13.

No quorum being present the senate took another recess for thirty minutes

After the 2nd recess

The roll was called & the following Senators answered to their names:

Senators Aiken, Beavers, Brown, Bunn, Dunagin, Duke, Frierson, Goad, Jones, McCabe, McChesney, Pollard, Ratcliffe & Scott.

14

Quorum present, Prayer by the Rev. Thos R. Welsh.

The minutes of the last three (3) days were then read & approved.

On motion of Senator Aiken the rules and regulations of the last Senate of the State of Arkansas, as published in the "Arkansas Legislative hand book" were adopted for the government of this body.

Senator Ashley also moved, that the Officers of the State Government, Members of the Judiciary, Members & Ex Members of Congress, Members of the General Assembly of the State of Arkansas, United States Officers and Members of the Press, be invited to seats within the bar of the Senate. Agreed to.

A Message from the House was then announced, as follows:

House Representatives
Little Rock May 14th 1874.

Mr President

I am instructed by the House of Representatives to inform your Honorable body of the passage by the House, of House joint resolution No 1, which is herewith respectfully transmitted for your favorable Consideration

Chas O Reid Jr
Clerk

Whereas the Legislature of the State of Arkansas has convened, a quorum of each House being present, and whereas the Capitol of our State is occupied by armed & contending forces, and whereas. The State House is now in the possession of armed troops. Therefore be it resolved by the General Assembly of the State of Arkansas

That the President of the United States, be, and he is hereby requested, to put this Legislature in possession of the Legislative Halls, and that the public property on the State House square, be placed under the supervision and Control of this body — the Legal Custodians thereof while in session and that he make such order for the disposition of said armed and contending forces, as will more perfectly protect the State against domestic violence, and insure this body due protection; and it is further resolved, that a duly certified Copy of this resolution be at once transmitted to the President of the United States.

Senator McChesney called up H. C. R. No 1 and moved its adoption, and upon his motion called for the ayes & Noes.

Senator Jones moved as a Substitute

That the House joint resolution No 1 as reported this morning, be now taken up. which motion was declared out of order

Senator Dunagan then moved the postponement of H. C. R. No 1 until 4 O'clock P.M.

The ayes & Noes being demanded, the following Senators voted in the affirmative; viz, Senators

Brown, Dunagin, Frierson, Jones & McCabe. (5)

In the negative, Senators

Askew, Beavers, Brown, Duke, Goad, McChesney Collard, Ratcliffe and Scott. total 9.

So the motion to postpone was lost.

Senator Ratcliffe then moved the previous question and upon his motion demanded the ayes & Noes.

The question being "Shall the main question be now put,

The following Senators voted in the affirmative:

Askew, Beaver, Brown, Duke, Goad, McChesney, Collard, Ratcliffe & Scott
total 9

In the negative, Senators

Brown, Dunagin, Frierson, Jones & McCabe
total 5.

So the main question was ordered.

The question then being upon the adoption of W. C. R. No. 1 the following Senators voted in the affirmative.

Senators

Askew, Beavers, Brown, Dunagin, Duke, Gord, McChesney, Pollard, Ratcliffe & Scott — Total 10.

In the negative:

Senators: Bunn, Frierson, Jones & McCabe total 4.

So the resolution was adopted.

The President pro tem, then announced as the Committee on the part of the Senate, under said resolution, Senators

McChesney, Gord & Pollard.

Senator Ratcliffe called up House Joint Resolution No 1, reported from the House this morning

which was read the first time

and under suspension of the rules was read a second time,

and under a further suspension of the rules was read a third time, and placed upon its final passage.

The roll being called, the following Senators voted in the affirmative

Senators Askew, Beavers, Brown, Bunn, Dunagin, Duke, Frierson, Gord, Jones, McCabe, McChesney, Pollard, Ratcliffe & Scott

Total 14

In the negative none

So the joint resolution passed.

Upon motion of Senator Brown

the Senate took a recess until 3 O'clock P.M.

After recess

Senate met at 3 O'Clock P.M.

Senator Frierson in the chair

The Secretary called the roll & the following Senators answered to their names:

Senator Askew, Beavers, Brown, Bunn, Dunagin, Duke, Frierson, Gord, Hanks, Jones, McCabe, McChesney, Pollard, Ratcliffe & Scott Total 15.

A quorum present, Senator McChesney

chairman of the Committee, to wait upon the Governor, made the following report:

Mr President,

Your Committee on the part of the Senate, to whom was intrusted the duty of notifying Governor Baxter of the passage by the Senate, of House concurrent resolution No 1, respectfully report; that we have complied with the Order of the Senate, and the Governor in reply, stated, that he would communicate by message with the Legislature in Joint Session at 4 O'clock this afternoon.

McChesney

chairman.

which report was received & the Committee discharged.

The chair appointed as pages of Senate:

Lee Ward Jr.
Joseph W. Field and
Adolph N. Ainsler.

Senator Aiken

offered the following resolution, viz

That the President of the Senate appoint a Committee of three, to notify the House of Representatives, that the Senate will be ready & willing, to meet them in joint Convention in the Hall of the House at 4 O' Clock to day, to receive the Governors Message

which motion was received & adopted –

Whereupon the President appointed the following Senators on said Committee :

Senators Aiken, Dunnagin & Hanks –

On Motion of Senator Ratcliffe

The Senate took a recess for fifteen Minutes.

After recess a Committee from the House reported to the Senate through their Chairman Representative J. J. Dumpter, that the House was ready to receive the Senate, and in joint Session receive the Message from Governor Baxter

which report was received,

Senator Brown moved that the Senate proceed to the House of Representatives to receive the Message which motion was carried –

The Senate was then adjourned to the Hall of the House of Representatives

Joint Session of the Senate and House of Representatives at 4 O' Clock P. M.

The President pro tem of the Senate called the joint Session to order, and ordered the Call of the roll.

The Secretary called the roll, when the following Senators answered to their names

Senator :- Aiken, Beaves, Brown, Bunn, Dunagin, Duke, Emerson, Gerald, Hanks, Jones, McCabe, McCrosney, Pollard, Ratcliffe and Scott Total 15.

A Quorum announced

The Clerk of the House called the roll of the House, and the following members answered to their names :

O. S. Anderson –	H. H. Arnold –	H. H. Barton –
W. A. Beasley –	J. H. Berry –	D. D. Brock –
J. B. Burton –	W. B. Carter –	D. Chandler –
Chas Coffin –	J. D. Conway –	J. Cleveland –
B. H. Crowley –	F. Doswell –	E. W. Davis –
J. B. Davies –	M. M. Duffee –	J. C. Eagle –
A. M. Erwin –	A. W. Files –	J. M. Foster –
E. D. Gilbreath –	J. M. Gist –	J. W. Gossett –
D. G. Hart –	A. E. Hawkins –	M. Hixson –
D. J. Hynes –	A. D. King –	B. W. Johnson –
O. B. Johnson –	S. S. Johnson –	R. Joiner –
C. R. Lester –	E. B. Mitchell –	W. J. McClellan –
B. McGuire –	D. J. Montgomery –	K. J. Rindall –
J. S. Preston –	W. H. O. Reid –	J. J. Dumpter –
J. M. Thompson –	J. S. W. Tiller –	S. W. Thompson –
J. D. Usnable –	Jno G. Walker –	A. J. Wheat –

A quorum of the House announced –

Governor Baxters private Secretary Geo M. McCanany was announced and came to the Clerks Desk, and read to the joint Session a Message from Governor Elisha Baxter

as follows :

Executive Office State of Arkansas

Little Rock May 14th 1874

Gentlemen of the Senate and House of Representatives:

As the chief Executive of the State, I am vested with power, to convene the Legislature on extraordinary occasions; and deeming the present a time, that demands the exercise of that power, I have called upon together, to deliberate and act upon matters of grave importance to the people of this State. It is a power of pleasure to me, as well as congratulation to the Country, that you have assembled so promptly and readily to the Call.

Doubtless the circumstances, that make it necessary for me to assemble you at this time are known to all. The matter of a Contest for the office of Governor of the state between Hon. Joseph Brooks and myself having been passed upon at your last session, was supposed, to be finally settled; but during the last Summer after your adjournment, upon an application for permission, to file an information by the Attorney-general for a writ of quo warranto, to try my right to the office of Governor, the Supreme Court decided and adjudicated, that there was no jurisdiction in any Court in the State, to try the question, and that the Legislature alone could determine the same.

A few months after that time, in another Case in which the right to the auditors office was involved, that opinion was approved & reaffirmed, and then it was universally understood, that the question was at rest.

Notwithstanding these two decisions, on the 15th of last month, in a Case brought by Joseph Brooks against myself in the Circuit Court of Pulaski County, a determination was arrived at in overruling a Demurrer to the jurisdiction of the Court by pretended judgment, by authority of which Brooks claimed the right to oust me from the Office of Governor.

In my opinion, the action of the Court was arbitrary & revolutionary, as it had no jurisdiction whatever to render such a judgment; so believing, I at once addressed myself to the task of maintaining my authority as Governor.

To my call to suppress, what I consider an armed insurrection against the lawful authority of the state government, the people responded promptly, and in number greater than I required; but in my efforts to move on the State House and repossess the same, I was thwarted by the interference of Federal troops, against whom I would not make war, or permit war to be made. Thus prevented from asserting my rights, I organized a sufficient force to protect myself and those with & around me, and appealed to the national Authorities, under the Constitution of the United States, for aid to suppress such insurrection, and to prevent domestic Violence; but, in case aid could not be obtained from that source, I proposed to convene the Legislature in extraordinary session to settle the question, which has been used as a pretext for the unlawful efforts against the State Government.

To this requisition, the President of the United States responded, favoring your meeting, and guaranteeing you protection in your deliberations. With this assurance from the chief Magistrate of the nation, I am glad to meet you, and express the hope, that through and by your instrumentality Peace, Order and quietude will be restored to the Country.

To you, then, is submitted the question, who is Governor of Arkansas, under the general election held on the 5th day of November A.D. 1872 and your early attention is invited to its consideration.

Owing to the unsettled condition of affairs in our State, and the great want of harmony in our laws statutory and constitutional, your earnest attention is invited to the consideration of the propriety of calling a Constitutional Convention, a move which I deem at this time of absolute necessity, and I hope it may be your pleasure

to call a convention of the State, in order that the people may have an opportunity to speak, and act at once, as they deem best.

Should there, in my opinion, a necessity for action on other matters by you, at your present meeting, I will indicate the same by special message.

Hoping that your deliberations will result in restoring order, confidence & prosperity to our people, I am your obedient Servant

Elisha Baxter
Governor of Arkansas

Representative Dunaway

moved that the message be received

which motion was adopted.

On motion of Senator Ashley

the joint session dissolved.

Senate Chamber

May 14th 4-50 P.M.

Upon the reassembling of the Senate

Senator Brown offered the following motion

That the Secretary be instructed to furnish the members of this body with their quota of Stamps & Wrappers and Newspapers, to which they are entitled by the rules of the Senate at the session of 1873

which motion was adopted.

Senator Brown

offered the following Resolution

Resolved that the Secretary of the Senate procure the necessary stationary for the use of this body.

which resolution was ~~carried~~ adopted

Senator McCraney

offered the following resolution

Resolved: That the Secretary of the senate is hereby instructed, to have printed for the use of this body One Thousand Copies of the Governors message

which Resolution was adopted.

Senator Jones

offered the following motion

That when the Senate adjourns it be to 10 O'Clock a.m. of the next day until otherwise ordered.

which motion was adopted.

On motion

of Senator Bunn

the Senate adjourned until 10 O'Clock a.m. Friday Morning

approved

S. H. Emerson
Pres. pro tem.

attest

W. W. Orme
Secty

H. H. Smith
Reg

Senate Chamber

Friday May 15th 1874.

Senate met at 10 O'Clock A.M.

Senator Frierson President pro tem in the chair.

The Secretary called the roll and the following Senators answered to their names:

Senators

Aiken, Beavers, Brown, Bunn, Dunagin, Duke, Frierson, Goad, Hanks, Jones, McChesney, McCabe, Pollard, Ratcliffe & Scott

a quorum present.

Prayer by Rev. W. W. Keep

Journal of yesterdays proceedings read by the Secretary and approved.

Senator Scott gave notice, that he would at an early day introduce a Bill to repeal an act approved 25th April 1873, entitled "An act to move the County Seat of Pope County and an Act to permanently locate the County Seat of Pope County at Dover"

Upon motion of Senator Bunn Senate took a recess until 4 O'Clock P.M.

after Recess

Senate met at 4 O'Clock P.M.

Senator Frierson Pres. pro tem in the chair.

The Secty called the roll, & the following Senators answered to their names

Senators

Aiken — Beavers — Brown — Bunn — Dunagin — Duke — Frierson — Goad — Hanks — Jones — McCabe — McChesney — Pollard, Ratcliffe and Scott

a quorum announced.

President pro tem Frierson informed the Senate he had received a telegram from President Grant and instructed the Secretary to read it which was read as follows:

Department of Justice
Washington May 1874

To J. G. Frierson President pro tem and James B. Berry Speaker pro tem
Little Rock Arkansas

The following Proclamation is sent to you for publication

George H. Williams
Attorney General

By the President of the United States of America

A Proclamation

Whereas certain turbulent and disorderly Persons pretending that Elisha Baxter, the present Executive of Arkansas, was not elected, have combined together with force and arms, to resist his authority, as such Executive, and other authorities of said State and, whereas said Elisha Baxter has been declared duly elected by the General assembly of said State, as provided in the Constitution thereof, and has for a long period been exercising the functions of said Office unto which he was inducted, according to the Constitution and Laws of said State, and ought by its Citizens to be considered as the lawful Executive thereof; and whereas it is provided in the Constitution of the United States, that the United States shall protect every State in the Union on application of the Legislature, or of the Executive, when the Legislature can not be convened, against domestic Violence; and whereas the said Elisha Baxter under Section 4 of article 4 of the Constitution of the United States, and the Laws passed in pursuance thereof, has therefore made application to protect said State, and the Citizens thereof, against domestic Violence; and whereas the General assembly of said State was convened in extra Session, at the Capital thereof on the 11th instant pursuant to a call made by said Elisha Baxter, and both Houses thereof have passed a joint resolution also, applying to me to protect the State against domestic Violence, and whereas it is provided in the Laws of the United States, that in all cases of insurrection in any State, or of the obstruction to the Laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, when the Legislature cannot be convened, to employ such part of the land and naval forces, as shall be judged necessary for the purpose of suppressing such insurrection or causing the laws to be duly executed; and whereas it is required, that whenever it may be necessary in the judgment of the President, to use the military force for the purpose aforesaid, he shall forthwith, by Proclamation, command such insurgents to disperse, and retire peaceably to their respective Homes within a limited time.

Now therefore I Ulysses S. Grant President of the United States do hereby make Proclamation, and command all turbulent and disorderly Persons, to disperse and return peaceably to their respective abodes, within 20 days from this date, and hereafter to submit themselves to the lawful authority, of said Executive, and the other constituted authorities of said State, and I invoke the aid and cooperation of all good Citizens thereof, to uphold law, and preserve public Peace

In witness whereof I have hereunto set my hand, and caused the Seal of the United States to be affixed.

Done at the City of Washington this Sixteenth day of May in the year of our Lord Eighteen Hundred & Seventy four, and of the independence of the United States, the Ninety Eighth

U. S. Grant

(Seal)

By the President

Hamilton Fish
Secretary of State

Senator Aikens

moved the Proclamation be received and spread upon the Journal

which motion was adopted

Senator Brown

offered the following Resolution

Resolved

by the Senate that the chaplain of this body be instructed to offer up special prayers of thanks to almighty God at the next meeting of the Senate, for the cheering news received from the President of the United States, this May 15th 1874.

which resolution was adopted.

Senator Brown

moved an election for the chaplain of the Senate

which resolution was adopted

Senator Brown

nominated Rev. W. W Reep as chaplain

The vote being taken

the following Senators voted for Rev. W. W. Reep

Senators

Aikens – Beaver – Brown – Bunn – Dunagin – Duke – Frierson – Good – Hanks – Jones – McCabe – McChesney – Pollard – Ratcliffe and Scott

Total 15

In the negative none

and therefore the President declared the Rev W. W. Reep duly elected chaplain.

Senator Brown

moved that an election be held for all elective offices in the Senate now vacant

which motion was adopted

Senator Brown

nominated A. M. Woodruff assistant Secretary

The vote being taken the following Senators voted for A. M. Woodruff

Senators

Aikens – Beavers – Brown – Bunn – Dunagin – Duke – Frierson – Good – Hanks – Jones – McCabe – McChesney – Pollard – Ratcliffe & Scott

Total 15 none in the negative

And thereupon the President pro tem declared A. M. Woodruff duly elected Assistant Secretary

Senator Brown

moved that the Senate take a recess for ten minutes

which motion was adopted

After the recess a beautiful Bouquet was offered by Mr Ratcliffe, presented to the Senate, and asked the Secty to read the names of the ladies who had sent it.

The Secretary read the Card and announced the names of Misses Fitzgerald & Owen.

Mr Brierson took the handsome Bouquet, and quoted from Milton some appropriate passages, and said the noblest work of God was Woman.

Mr Ratcliffe asked that a Committee be appointed, to return the proper Thanks

Mr Brown said, thanks could be made through the Secretary

Senator McCleary offered the following resolution:

Resolved

That Five Thousand (5000) Copies of President Grants proclamation recognizing Elisha Baxter as Governor of Arkansas be published for the use of this body.

which resolution was adopted.

Senator Brown

moved that the Secretary report the names of all Officers of the Senate, except assistant Secretary and chaplain, who had not reported to him and that the Senate proceed to the election of officers for such positions, as his report indicated to be vacant

which motion was adopted

The Secretary reported the following Vacancies:

Engrossing Clerk
Enrolling Clerk
Assistant Sergeant at Arms
Assistant Doorkeeper and
Postmaster

and thereupon the Senate proceeded to an election to fill them.

The President pro tem

announced that the office of Engrossing Clerk was vacant

Thereupon

Senator Brown nominated W. B. Morse

and Senator Aiken

nominated J. M. Moore

The vote being taken

The following

Senators voted for W. B. Morse

Senators Beavers, Brown, Hawks, Jones & Ratcliffe

Total 5

Senators voting for J. M. Moore, were Aiken, Bunn, Dunagin, Duke, Frierson, Gead, McCabe, McCleary, Pollard & Scott

Total 10

Thereupon

the President pro tem declared J. M. Moore duly elected Engrossing Clerk

The President announced the next Officer to be elected, was Enrolling Clerk

Senator Beavers nominated

Henry James for that Office

a vote being taken, the following Senators voted for Henry James

Senators Aiken, Beavers, Brown, Bunn, Duke, Dunagin, Frierson, Gead, Hawks, Jones, McCabe, McCleary, Pollard, Ratcliffe & Scott

Total 15

and thereupon, the President declared

Henry James

duly elected Enrolling Clerk

The President announced the next office for election, was Assistant Sergeant at Arms

Senator Ratcliffe nominated Ernest Jennings for that office

a vote being taken, the following Senators voted for Ernest Jennings.

Senators Aiken, Beavers, Brown, Bunn, Dunagin, Duke, Emerson, Goad, Hanks, Jones, McGabe, McCheaney, Pollard, Ratcliffe & Scott.

Total 15

Whereupon the President declared Ernest Jennings unanimously elected Assistant Sergeant at Arms

The President announced the next office for election was Postmaster

Senator Pollard nominated H. G. Dale for Postmaster

a vote being taken the following Senators voted for H. G. Dale.

Senators Aiken, Beavers, Brown, Bunn, Dunagin, Duke, Emerson, Goad, Hanks, Jones, McGabe, McCheaney, Pollard, Ratcliffe & Scott.

Total 15

Whereupon the President declared H. G. Dale duly elected Postmaster

Senator Brown moved that the election for assistant Doorkeeper be postponed which ~~the~~ motion was adopted.

Senator Duke moved that the elections to fill all other vacancies be postponed until to-morrow.

which motion was adopted.

The President pro tem administered the oath of office to Ernest Jennings Assistant Sergeant at Arms and H. G. Dale Postmaster

On motion of Senator Bunn ~~for adjournment~~ the Senate adjourned until 10 O'clock A. M. Saturday

W. W. Smith
President ~~pro tem~~

W. H. Arnold
Secy.

Senate Chamber

Little Rock Ark. May 16th 1874.

The Senate met pursuant to adjournment, and was called to order by the President V. V. Smith

Prayer by Chaplain W. W. Keep

The roll was called, and the following Senators answered to their names

Senators - Askew - Beavers, Brown, Bunn, Dunagin, Dukes, Frierson, Good, Banks, Jones, McCabe, McDaniel, Pollard, Ratcliffe and Scott

Total 15

The proceedings of yesterday were read and approved

Senator Ratcliffe gave notice, that at an early day he would introduce a Bill for the relief of the Citizens of Clayton County, and for the purpose of settling the question of the County Site of said County.

Senator Brown introduced the following resolution:

Whereas it is currently reported, that some of the Members of the Senate, who have not met with this body, at the present extraordinary session, have been engaged in armed hostility to the legally constituted authorities of the State of Arkansas

And whereas this body is desirous of being advised in the premises, Therefore

Resolved

That a Committee of Three be appointed by the President, to make investigation, and report to the Senate, who, if any of said Senators have been thus engaged -

which on motion of Senator Frierson was postponed till Monday next at 10 O'clock a.m.

Senator Askew, by unanimous Consent introduced a bill, entitled:

An Act providing for a Convention of the People of the State of Arkansas, to frame a new Constitution

which was read the first time.

Pending which the following Message was received from the House of Representatives:

Hall of House of Representatives
Little Rock Ark May 15th 1874

Mr President

I am instructed by the House of Representatives to inform your Honorable body, of the passage of an Act, to be entitled: an Act to suspend the Sale of delinquent lands and for other purposes, and herewith transmit the same for your favorable consideration.

Chas. C. Reid Clerk

Senator Frierson

moved to suspend the rules, and read the Bill introduced by Senator Askew a second time by title,

upon which the Ayes & Noes were called for, and the call being sustained,

The following Senators voted in the affirmative:

Senators Askew - Beavers - Brown - Bunn - Dunagin, Frierson - Good - Jones, McCabe, Pollard Ratcliffe & Scott 12

voting in the negative were
Senators Duke, Hanks & McCheaney (3)
So the rules were suspended and the Bill read a second time by title.
Senator Frierson
moved to suspend the rules & read the bill a third time.
Senator Duke
moved a ~~substitute~~, that the bill be referred to the Judiciary Committee.
Senator Frierson
called for the Ayes & Noes, which call being sustained, the roll was called & the following Senators voted in the affirmative:
Senators Duke, Hanks & McCheaney (3)
voting in the negative,
were Senators
Ashew, Brown, Beavers, Bunn, Dunagin, Frierson, Good, Jones, McCabe, Pollard, Ratcliffe & Scott.
Total 12
So the ~~resolution~~ motion was rejected.
The Ayes and Noes were then called for on the motion to suspend the rules and read the Bill a third time which call being sustained, the roll was called, and the following Senators voted in the affirmative
Senators
Ashew, Beavers,
Brown, Bunn, Dunagin, Frierson, Good, Jones, McCabe,
Pollard, Ratcliffe and Scott — 12 —
In the negative
Senators Duke, Hanks & McCheaney — 3 —
whereupon the chair ordered the bill read a third time, ~~&c~~ and placed on its final passage.
The roll being called the following Senators voted in the affirmative
Senators Ashew, Beavers, Brown
Bunn, Dunagin, Frierson, Good, Jones, McCabe, Pollard
Ratcliffe & Scott. Total 12 —
In the negative: Senators Duke, Hanks & McCheaney Total — 3 —
During the call of the roll Senators
Duke Hanks & McCheaney,
asked to be excused from voting, which request was refused by the Senate, and thereupon they severally asked permission to have their written explanation of their vote spread upon the Journal, which was granted
The following was sent to the Secretary's Desk, by Senator McCheaney the President.
I represent a constituency largely democratic. It is their wish, that I should favor the passage of a bill, providing for the calling of a Constitutional Convention. I do favor such a measure, feeling that the People of the State at large demand it, in order that the whole settlement of the vexed question, now upon us, may be remitted back to them for final adjustment.
It is well known, Sir, that upon the day of the organization of this body — a day the most critical in our history, we had a number present, just sufficient, and no more, to form a quorum — at least one member if not more than one, was induced to be present at that time upon the assurance given by several, that no bill providing for a constitutional Convention, nor any other important matter, should be acted

upon with undue haste, but that these measures should be considered with all due deliberation.

I believe, that as expressed by President Grant "hasty actions on the part of the Legislature will be unsatisfactory to the people". These assurances thus given, under such delicate circumstances, have been broken, - to use a mild term. I know that the passage of this or a similar measure is not only inevitable, but necessary and proper, but I do not think it would have been jeopardized by the delay of the few days asked. Further, in a spirit of conciliation, reasonable time has not been given, that absentees might present themselves, when we consider the extraordinary occurrences of the last few weeks.

I had hoped, that at an early day, free from the embarrassments incident to the presence of armed forces, and in our proper places at the State House.

I could have voted "Aye" on this proposition, but to day, for reasons stated I vote "No".

Senator Duke

Mr President

I am placed in an embarrassing situation. For notwithstanding I would favor such a measure at the proper time; yet I deem that the People should have time, to fully and fairly deliberate on the question. This action seems to be premature and precipitate, and instead of soothing the disturbed public temper, may cause the troubles that have so recently centered in the Capital to spread throughout the State. Therefore, not because opposed to the measure itself, but that this action strikes me as too hasty, and fraught with danger to the welfare of the State, by reason of its unreasonable precipitancy I vote "No".

Senator Banks said:

under certain circumstances he would be willing to vote for a bill, the object of which was the calling of a Constitutional Convention, yet at the present time and under the circumstances, he could not vote to place the bill upon its passage. He had come in to the Senate of Arkansas and answered to his name, under the call of Governor Baxter, convening them in extraordinary session, because he recognized him as Governor, yet, at the same time, he had received from an members of the body assurances, and guarantees, that no legislation should be done - until the particular matter for which they were called together, was disposed of. He thought it was precipitate legislation - it at least ought to go to a Committee - it was a matter of grave importance, and ought to be carefully considered. Aside from that a bare quorum was present, and he hoped the Senate would wait until a full senate was present. Many senators were away, who would be in their seats, were it not for the fact, that they could not get here without a pass and who were afraid to apply for one, feeling that in using it they were placing themselves in danger. He hoped that the matter would be postponed until the views of all the Senators could be explained and a full vote obtained.

Senator Frierson moved that the vote on the final passage of the Bill be reconsidered, and that the motion to reconsider lay upon the table - which was adopted.

Senator Pollard under a suspension of the rules introduced a Bill, entitled An act to redistrict the State for

Congressional purposes, which was read the first time.

Senator Bollard moved that the rule be suspended, and the bill be read a second time by title

There being no opposition the bill was read a second time, and

on motion of Senator Brown was referred to the Committee on Apportionment

Senator Brown called up a Substitute for House bill No 1, which was read the first time

On motion of Senator Banks

the rules were suspended and the bill was read a second time.

Senator Jones moved to amend by inserting the words (1872) ~~and~~ before the words 1873 where they occurred in the bill, which amendment was agreed to.

On motion of Senator Jones

the rules were suspended, and the bill read a third time by title - and placed upon its final passage

Upon the call of the roll the following Senators voted "Aye,"

Senators, Ashew, Beavers, Brown, Bunn, Dunagin, Duke, Good, Banks, Jones, McCabe, McChesney, Bollard, Ratcliffe & Scott

total 14-

None none, So the Bill passed

Senator Ratcliffe moved, that the vote just taken be reconsidered, and that the motion to reconsider lay on the table. which was agreed to.

On motion of Senator Duke

the Senate proceeded to elect an assistant Doorkeeper and a Janitor.

Nominations being in Order, Senator Duke

nominated Jesse Simms for Assistant Doorkeeper, and Robert Carter for Janitor.

and there being no other nominations

The roll was called and the following Senators voted for Messrs Simms & Carter, to fill the places for which they were nominated.

Senators - Ashew, Beaver, Brown, Bunn, Duke Dunagin, Good, Banks, Jones, McCabe McChesney, Bollard, Ratcliffe & Scott (14)

whereupon Jesse Simms was declared elected Assistant Doorkeeper and Robert Carter declared elected Janitor, for & during the term, prescribed by law.

Henry James, J. M. Moore and A M Woodruff presented themselves at the Bar of the Senate and were sworn in by the President.

On motion of Senator Ratcliffe, the Senate took a recess till 2 O clock P.M.

After Recess

The Senate was called to order and the roll was called & no quorum being present, the Senate took a recess till 5 O clock P.M.

5 O'clock P.M. May 16th 1874

Senate was called to Order

The roll was called & the following Senators answered to their names.
Askew, Beavers, Brown, Benn, Dinagin, Duke, Frierson, Good, Hanks, Jones, McCabe, McChesney, Ratcliffe & Scott — 14 —

The following Communication was received and read and ordered to be spread upon the Journal =

Little Rock Ark. May 16th 1874.

W. W. Derrick Clerk of the Senate

Dear Sir

Your of to day informing me of my election as chaplain is received.

To this unexpected expression of respect, I reply that I cannot withhold any services I am capable of rendering for the welfare of my fellow Citizens or their Representatives

I am very respectfully

W. W. Keep.

On motion of Senator Askew

the Secretary was directed to have the Senate chamber at the State House cleaned, and fitted up for the use of the Senate.

The following message was received from the House:

Hall of the House of Representatives
Little Rock Ark May 16th 1874.

Mr President

I am instructed to inform your Honorable body of the passage of the following bills.

House bill No 5. an act entitled: an act to authorize and empower the auditor to draw his warrant on Treasurer of State for Schoolfund.

Senate Bill No 1 entitled an act providing for a Convention of the People of Arkansas to frame a new Constitution;

also an act, entitled an act, to repeal an act, entitled an act, to move the County Seat of Pope County; approved April 25th 1873. and for other purposes.

Also House bill No 9. an act to suspend the sale of Personal Property for the non payment of the Tax due thereon, for the years 1872 and 1873.

which are herewith transmitted for your favorable Consideration.

Chas G. Reid
Clerk

Senator Brown

offered the following resolution which was adopted

Whereas, there are quite a number of Vacancies in the Standing Committees of the Senate. and

Whereas there are a number of new members present, who are not attached to any Committees,

therefore Resolved

That the President of the Senate be authorized & directed to remodel the Standing Committees of the Senate

Senator Brown

offered the following resolution

which was adopted

Resolved

That the Secretary be empowered to employ a Journal and a Docket Clerk, and that such Clerks, when appointed be allowed the same per Diem, that is now allowed by law to the Engrossing Clerks.

On motion of Senator Emerson

House bill No 8 entitled an act, to suspend the Sale of personal property, for the nonpayment of the Tax due thereon for the year 1872 and 1873, was taken up and read the first time.

On motion of Senator Dunagin

the rules were suspended and the Bill read a second time by title, and

On motion of Senator Hawkes the rules were further suspended, and the Bill read a third time, and put upon its final passage.

The Roll was called and the following Senators voted in the affirmative,

Senators Askew, Beavers, Brown, Bunn, Dunagin, Duke, Emerson, Goad, Hawkes, Jones, McCheesney, Pollard, Ratcliff & Scott (14)

None in the Negative

So the Bill passed

On motion of Senator McCheesney

House bill No 5 entitled an Act to authorize and empower the Auditor, to draw his Warrant on the Treasurer of the State for School funds, was taken up & read the first time.

On motion of Senator McCheesney

the rules were suspended & the Bill read a second time.

and on Motion of Senator Hawkes the rules were further suspended & the bill read a third time, and put upon its final passage.

The roll being called, the Senators voting "Aye" were Senators: Askew, Beavers, Brown, Bunn, Dunagin, Duke, Emerson, Goad, Hawkes, Jones, McCheesney, Pollard, Ratcliff & Scott Total 14.

So the Bill passed

The President announced the following appointments to fill vacancies in the Senate Committees

On Judiciary Senators Brown, Askew & Bunn.

On Finance " Bunn & Jones

On Militia Senators Lowery Duke, Pollard & McCabe

On Education " Duke, Brown & Dunagin

On Apportionment " Pollard & Dunagin

On Internal Improvements " Scott McCabe & Dunagin

On enrolled Bills Senator Ratcliffe

On Counties & County lines
Senators Brown & Beavers
On Printing
Senator Jones
On Elections
Senators Lovejoy & McCabe
On Penitentiary
Senators Sawyer & Scott
On Expenditures
" Lovejoy McCabe & Sawyer
On Federal relation
Senator Scott
On Auditor & Treasurer accounts
Senators Lovejoy & Sawyer
On Claims
Senators Pollard & Jones.

Senator Ratcliffe gave notice, that he would at an early day introduce a Bill for changing the time of holding the Supreme Court of the State of Arkansas.

On motion of Senator Scott
House bill No 14
entitled an act to repeal an act, to move the County Seat of Pope County approved April 25th 1873 and for other purposes, was called up and read the first time.

On motion of Senator Banks
the rules were suspended and the Bill read a second time, and referred to the Committee on Counties & County lines.

On motion the Senate adjourned until Monday Morning at 10 O'clock.

H. H. Owen Secy

W. W. Smith Pres Senate

Senate Chamber
Monday May 18th 1874.

Senate met pursuant to adjournment
The roll was called and the following Senators answered to their names:
Aiken, Beavers, Belden, Brown, Brown, Dimagin, Duke, Emerson, Good, Hanks, Jones, McCleary, McCabe, Pollard, Ratcliffe & Scott — 16 —

Prayer by the chaplain, Rev. W. M. Peck.

The Journal was read & approved.

Senator Brown gave notice, that he would introduce a Bill, providing that when articles of Impeachment are preferred against any State officer such officer shall be thereafter suspended, and debarred from ~~[illegible]~~ exercising the functions of his office until his trial.

Senator Beavers
gave notice, that he ~~[illegible]~~ on early day would introduce a Bill, to regulate the sittings of the several Circuit Courts of the State

Senator Emerson
presented, by unanimous Consent,

a joint resolution providing for an adjournment sine die of the General Assembly and no objection being made, the resolution was read a first time -

On motion of Senator Brown

the rules were suspended, and the resolution read a second time, and

On motion of Senator Brown

the rules were further suspended, & the resolution read a third time, and placed on its final passage

The roll was called

and the following Senators voted "Aye"

Senators: Aspinwall, Beavers, Brown, Bunn, Dunagan, Duke, Frierson, Good, Hanks, Jones, McCabe, McChesney, Pollard, Ratcliffe, Scott. Total 15.

Noes "None"

so the joint resolution passed

On motion of Senator Brown, the vote first taken, be reconsidered, and the motion to reconsider was laid upon the table.

Senator Beavers

offered the following resolution

Resolved: That the office of President pro tempore of the Senate, be, and the same is hereby declared vacant, and that the Senate at once proceed to elect a permanent President pro tempore, to fill the vacancy.

Which was adopted.

Nominations being in order

Senator Ratcliffe nominated Senator Frierson

There being no other nominations the Roll was called.

Those Senators voting for Senator Frierson were:

Aspinwall Beavers Bolding Brown Bunn Dunagan Duke Good Hanks Jones McCabe McChesney Pollard Ratcliffe and Scott - 15.

Senator Frierson voted for Senator Aspinwall

Senator Frierson called up the resolution introduced by Senator Brown on Saturday last which was the special order for 10 o'clock today and moved the adoption of the resolution, upon his motion called for the ayes & noes & the calls being sustained the roll was called

Those Senators voting aye were: Senators Aspinwall Beavers Bolding Brown Bunn Dunagan Duke Frierson Good Hanks Jones McChesney Pollard Ratcliffe & Scott - 15.

Senator McCabe voted no - 1.

So the resolution was adopted, and the President appointed Senators Brown Jones & Bolding, as the Committee required by the resolution.

Senator McChesney Chairman of the Committee on Enrolled Bills made the following report.

Mr. President - Your Committee on Enrolled Bills would respectfully report that Senate Bill No. 1. entitled An act providing for a Convention of the People of the State of California to frame a new Constitution, has been finally and correctly enrolled.

McChesney
Chairman

Senator Hanks from the Committee on Counties and County Lines made the fol-

having defeated.

Mr. President, Your committee on County and County lines on House Bill No. 11, would respectfully report back and recommend the passage of the Bill with the following amendment, "That Section three be amended to read as follows, by adding at the end of said section after the word "Effect" the words "and Dover shall continue to be the County seat of Pope County."

Adams
Chairman

Senator Ratcliffe introduced a bill entitled An Act to change the County site of Clayton County which was read a first time.

On motion of Senator Ratcliffe the rules were suspended and the Bill read a second time by title

On motion of Senator Brown the Bill was referred to the committee on Counties and County lines.

Senator Ratcliffe by unanimous consent introduced a Bill entitled An Act to change the time of holding the Supreme Court of the State of Arkansas, which was read the first time.

And on motion of Senator Dunagin the rules were suspended and the bill read a second time

Senator Baldwin moved to refer the bill to the Judiciary Committee, which was lost

On motion of Senator Dunagin the rules were suspended and the bill read a 3rd time and placed on its final passage

The roll was called and those Senators voting aye were, Asker Beavers Brown Bunn Dunagin Duke Friauf Hood Hanks Jones McCabe McChesney Pollard Ratcliffe & Scott - 15

Senator Baldwin voted No. - 1

~~On motion of~~ Senator Ratcliffe moved that the vote just taken be reconsidered, and the motion to reconsider was laid upon the table.

On motion of Senator Hanks House Bill No. 4 was taken up and the Bill and amendment read and

On motion of Senator Hanks the report of the Committee was adopted.

On motion of Senator Friauf the rules were suspended and the bill as amended read a third time and put upon its final passage

The roll was called and the following Senators voted aye, Asker Beavers Baldwin Brown Bunn Dunagin Duke Friauf Hood Hanks Jones McChesney Pollard Ratcliffe & Scott - 15.

Senator McCabe was excused from voting.

On motion of Senator Hanks the Senate took a recess until 5 o'clock P.M.

Evening Session May 18th 1874.

The Senate met pursuant to adjournment.

The President in the Chair.

The Secretary called the Roll when the following Senators answered to their names: Arthur Baldwin Brown Burns Dunaway Duke Friauf Good Hanks Jones McCabe McChesney Pollard Ratcliffe & Scott – 15.

Senator Ratcliffe on leave presented a bill entitled an act to grant pardon and amnesty to persons engaged in the late insurrection and armed hostility against the lawful government of the State.

Which was read the first time

And on a suspension of the rules was read the second time by title

And on motion of Senator Arthur was referred to the Judiciary Committee

Senator Jones gave notice that he would at an early day introduce a bill supplementary to an act calling a constitutional Convention.

Senator Pollard moved that a committee be appointed consisting of five, to investigate the Auditors and Treasurers Books, and that said Committee be empowered to employ such clerical force as they may deem necessary.

Which was carried

The chair appointed as such committee Senators Pollard Brown Ratcliffe Duke & Scott.

Then on motion of Senator Ratcliffe the Senate adjourned

V V Smith
President

H. H. Orrick
Secy.

Senate Chamber
May 17th 1874

The Senate met at 10 o'clock, Lt Gov Smith in the chair.

The secretary called the Roll when the following Senators answered to their names: Arkins Beaver Baldwin Brown Burnett Clayton Dunagin Duke Fairchild Good Hawks Jones McCabe McCharney Pollard Ratcliffe Sawyer & Scott - 18 -

Prayer by the Chaplain

Journal of yesterday read and approved.

A Message was then received from the House as follows:

Hall of House of Representatives
Little Rock Ark May 17th 1874

Mr. President - I am instructed by the House of Representatives to inform your Honorable body of the Passage by the House of H. R. No. 2 tendering thanks to the Hon. W. W. Wilshire a Representative in Congress from Arkansas; also House J. R. No. 3 providing for the appointment of a joint Committee to repair damages done to property of the State: also the Bill of the House (H B 10) entitled an Act approved April 20th 1873 an Act entitled an Act to authorize the Governor to appoint a State Geologist to develope the mineral resources of the State of Arkansas and for other purposes; also the Bill of the House (H B 13) entitled An Act to regulate and prescribe the manner in which the interest and principal of the public debt shall be paid; also the Bill of the House (H.B. 3) entitled An Act to change the Boundary line between the Counties of Monroe and Prairie: also the bill of the House (H B 14) entitled An Act providing for the removal of the County Seat of Desha County; which are herewith respectfully transmitted for your favorable consideration

Chas. A. Rice
Clerk.

Senator Arkins gave notice that at an early day of the session he would introduce a bill to repeal an Act amendatory of and supplemental to An Act entitled An Act to provide for Clerks of Circuit Courts in certain Counties and define their duties.

Senator Frierson gave notice that he would at an early day introduce a bill to reclaim the Citizens of Crop County.

Senator Scott gave notice that he would at an early day introduce a bill to repeal An Act entitled An Act to provide for paying the interest of the bonds issued to aid in the construction of Rail Roads, approved April 10th 1869 (acts of 1869 page 147)

Senator Duke offered the following resolution:

Resolved that the Secretary be and is hereby instructed to procure from the printers a copy of the new Digest for the use of the Senate.

Which was adopted.

Senator Brown as Chairman of the Special committee to whom was referred the subject of the investigation of the conduct of Senators who had not met in extraordinary session presented the following report:

Senate Chamber
Little Rock May 19th 1874.

Mr. President – Your Special Committee appointed under Senate Resolution directing the appointment of a committee to investigate and report to this body who if any of the Members of the Senate who have not met in extraordinary session have been engaged in armed hostilities against the legally constituted authorities of this state, beg leave to report that they have made such investigation as their present facilities afforded them and find that John M. Clayton and R. A. Dawson Members of this body have been in the service of the insurgent Joseph Brooks, the former as Colonel and the latter as Lieut. Colonel, and in actual service. – They have been unable so far from the testimony before them to find that any other members of the Senate have been in actual service in said insurgent forces

Brown
Chairman

Which on motion of Senator Dunagin was adopted and the Committee discharged.

Senator Dulle offered the following resolution

Resolved that a committee of three be appointed to act in conjunction with a like committee to be appointed by the House to inquire into the action and conduct of the Senators and Representatives in Congress from this State in relation to the late Conspiracy against the State Government and report if any and what action can be taken by the Legislature in reference to the same.

Which was read the first time

And on a suspension of the rules was read the 2d time by title

And on motion of Senator Ratcliffe was ordered engrossed for a 3d reading and made the Special order of the day for 12 o'clock M.

Senator Brown offered the following resolution

Resolved That the Senate proceed to elect one Member of this body as one of the Board of Public printing to take the place of Senator Parrum which place as Senator became vacant by his acceptance of another office

Which was adopted.

And thereupon the Senate elected Senator Beaver.

Senator Pollard as Chairman of the

Committee to whom was referred Senate Bill No. 2 presented the following report.

Mr. President – Your Committee to whom was referred Senate Bill No. 2, have had the same under consideration and recommend its passage with the accompanying amendments, amend so that Drew County will be attached to the 4th District and Montgomery and Pike to the 3d District

Senator Beavers in accordance with previous notice presented a bill entitled An Act to change the time of holding the Circuit Courts of this State.

Which was read the first time.

And on a suspension of the rules was read a 2d time by title, and

On motion of Senator Brown was referred to the Committee on the Judiciary.

Senator Ratcliffe on leave presented a bill entitled An Act to provide for the payment of the House Assembly and the officers and soldiers of the State Guards and for other purposes.

Which was read the first time.

And on a suspension of the rules was read the 2d time by title

When on motion of Senator Jones it was referred to the Committee on the Judiciary.

Senator Brown in accordance with previous notice introduced a bill entitled An Act authorizing the Governor to fill vacancies pro tempore in cases of impeachment

Which was read the 1st time

And on a suspension of the rules was read the 2d time by title and referred to the Committee on the Judiciary.

Senator Brown on leave introduced a bill entitled An Act directing the Auditor to draw his warrant on the Treasurer for the legal advertising done by the officials reimbursement of the State.

Which was read the 1st time

And on a suspension of the rules was read a 2d time by title

And on a further suspension of the rules was read the 3d time by title and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

The Senators voting in the affirmative were: Archer Beavers, Brown Bunn Dorrington Duke Freeman Hood Hawkins Jones Lovejoy McCabe McChesney Pollard Ratcliffe Sawyer Scott – 17

In the negative none

So the Bill passed.

Senator Scott in accordance with previous notice introduced a bill entitled, An Act to repeal an Act to provide for paying interest on the Bonds issued for the construction of Rail Roads, approved April 10th 1869

Which was read the 1st time.

And on a suspension of the rules was read a 2d time by title

And on Motion of Senator McCherney was referred to the Committee on Judiciary.

In the regular order of business the following was taken up

House Joint Resolution No. 3, authorizing the appointment of a joint Committee of Sixteen, four from the House and two from the Senate, to report damages done to property belonging to the State.

Which was read the 1st time

And on a suspension of the rules was read a second time by title

And under a further suspension of the rules was read the 3d time by title and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

The following Senators voted in the affirmative: Arthur Beaves Belden Brown Burns Dunagan Duke Frison Good Hanks Jones Lampy McCabe McCherney Packard Ratcliffe Sawyer & Stoll - 18.

In the negative none

So the Bill passed.

Also: House Joint Resolution No. 2 entitled Joint Resolution of thanks to M. M. Wilshire Representative in Congress

Which was read the first time

And under a suspension of the rules was read a 2d time by title

And on Motion of Senator Hanks was referred to the Committee on Memorials

Also: House Bill No. 14 entitled An Act providing for the removal of the County Seat of Dearborn County

Which was read the first time

And under a suspension of the rules was read a 2d time by title

And under a further suspension of the rules was read the 3d time by title and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

The following Senators voted in the affirmative: Arthur Beaves Belden Brown Burns Dunagan Duke Frison Good Jones Lampy McCabe McCherney Ratcliffe Sawyer & Stoll - 16

In the negative Senators Hanks & Packard - 2.

So the Bill passed.

Also, House Bill No. 10, entitled An Act to define an Act authorizing the Governor to appoint a State Geologist to develop the mineral resources of the State

Which was read the first time

And under a suspension of the rules was read a second time by title

And on Motion of Senator Duke was referred to the Committee on Judiciary.

Also House Bill No. 12 entitled An act to change the boundaries between the counties of Monroe and Prairie in the State of Arkansas.

Which was read the first time

Also House Bill No. 13 entitled An act to regulate the manner in which the principal and interest of the public debt shall be paid

Which was read the first time

And under a suspension of the rules was read a second time by title

And on motion of Senator Baldwin was referred to the committee on Judiciary

A message was here received from the House of Representatives as follows:

Hall of House of Representatives
Little Rock Ark — 1874

Mr. President — I am instructed by the House of Representatives to inform your Honorable Body of the acceptance by the House of Representatives of a petition of the Hon. Jas. R. Berry asking for leave to contest the right of Stephen Wheeler to the office of Auditor of State by a vote of 51 in the affirmative and 6 in the negative.

Which is herewith respectfully transmitted for your favorable consideration

Chas. C. Rice Pr.
and

Which was on motion of Senator Ratcliffe laid on the table subject to call

Senator Baldwin as Chairman of the committee on Enrolled Bills presented the following report:

Senate Chamber
Little Rock May 19th 1874

Mr. President — Your committee on Enrolled Bills have examined and find correctly enrolled Senate Joint Resolution No. 2.

Baldwin
Chairman

The special order of the day being the consideration of Senate Joint Resolution No. 2 authorizing the appointment of a joint committee to inquire into the conduct of Senators and Representatives from Arkansas in congress in relation to the late conspiracy

It was read the 3d time and being put upon its final passage was decided in the affirmative

The following Senators voted in the affirmative: Baker Beams Baldwin Brown Burns Dunagin Duke Freeman Good Jones Langley McCherry Pollard Sawyer Scott — 18

For the negative Senators Clayton T. McCabe — 2

So the joint resolution passed.

Senator Baker called up the petition of Jas. R. Berry transmitted from the House of Representatives and moved the reference of the same to the committee on elections which was agreed to

On motion of Senator Baldwin the Senate adjourned

Secretary. President

Senate Chamber
Wednesday May 20th 1874.

The Senate met at 10 o'clock in the Hall in the Bitter Building

Lt. Gov. Sneed in the Chair.

The Secretary called the Roll when the following Senators answered to their names: Andrews Beavers Belden Brown Bunn Dunagin Duke Freeman Hauck Jones Lemoyne McCabe McCharney Polland and Sawyer - 18.

Prayer by the Chaplain

Journal of yesterday read and approved.

Senator Freeman presented the following communication from the Executive Office.

Executive Office
State of Arkansas
Little Rock May 20th 1874

Hon J. G. Freeman
Pres. Pro Tem. of the Senate.

Having heard in a definite and authentic manner that there is a displeasure on the part of the members of the Legislature on account of the address in this morning's Gazette by Maj. Gen. Newton in reference to the admission of certain members into the Legislature recently. I have to say to you that the address was issued without my knowledge or consent and does not meet with my approbation. As whatever may be my own convictions on the subject I recognize fully the rights of each House under the Constitution and Laws to determine who are fit persons to be members thereof, and I do not doubt for a moment that this right will be exercised by the present Legislature in every way consistent with the best interests of the people whom you represent, you are.

Respectfully yours
Elisha Baxter
Gov. of Ark.

Which was read and received.

Senator Duke moved that the Senate do now take a recess until 3 o'clock in the afternoon and that when the Senate assembles again it do so at the State House

Which motion of Senator Brown was amended to 12 o'clock and that the Senate again meet at the Bitter Records in order to go in procession with members of the House to the State House.

On assembling at the State House the Senate on motion of Senator Lemoyne took a recess until 4 o'clock P.M.

Upon reassembling Senator Scott gave notice that he would introduce a bill at an early day to re-attach to the County of Pope that portion or scope of Territory heretofore taken from said County of Pope and attached to the County of Conway

Senator Baldwin as chairman of the committee on Judiciary presented the following report:

Senate Chamber

Little Rock May 20th 1874

Mr. President – Your committee on Judiciary to whom was referred Senate Bill No. 10, would respectfully report that they have had the same under consideration and herewith return a substitute therefor and recommend its passage

Baldwin

Chairman

Also the following report

Mr. President – Your committee on Judiciary have had under consideration House Bill No. 11 and report the same back with the following amendment and recommend its passage. Strike out in the third line section 2 the words "declared vacant" and insert the word "abolished"

Also, Senate Bill No. 9 and report the accompanying engrossed Substitute therefor and recommend its passage

Also, Senate Bill No. 8, and report the accompanying engrossed Substitute and recommend its passage

Baldwin

Chairman

Which were read and received.

Senator Brown – Called up Substitute for Senate Bill No. 8 entitled An Act to provide for the filling of vacancies pro tempore in case of impeachment

Which was read the first time

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read a third time by title and placed upon its final passage

The question being Shall the Bill pass it was decided in the affirmative

Those voting in the affirmative were Senators: Askew Brown Baldwin Brown Dunigan Duke Frierson Jones McCabe McCluney & Pollard – 12 –

Those voting in the negative were Senators Hamlin Lovejoy & Sawyer – 3 –

So the Bill passed.

Senator Brown moved that the vote just taken be reconsidered and that the motion to reconsider be laid upon the table.

Which was agreed to.

A message was here received from the Governor as follows:

Executive Office

Little Rock May 18th 1874.

To the Senate of Arkansas

Gentlemen

I herewith return a Bill

entitled an act providing for a convention of the People of the State of Arkansas to frame a new Constitution, which has been approved.

Very Respectfully
Elisha Baxter
Governor of Arkansas

Senator Pollard called up Senate Bill No. 2 entitled an act to redistrict the State for Congressional purposes, and the question occurring upon the adoption of the amendments reported by the Committee they were agreed to

Then on motion of Senator Carter it was ordered engrossed for a 3d reading and made the special order of the day for tomorrow at 12 o'clock

Senator Pollard called up substitute for Senate Bill No. 9 entitled an act to repeal an act entitled an act to provide for paying interest on Bonds issued for the construction of railroads, approved April 10th 1869.

Senator Brown moved the adoption of the report of the Committee on the Bill.

Which was agreed to.

The substitute Bill was then read the first time

And under a suspension of the rules was read the 2d time by title

Senator Burdin called up Substitute for Senate Bill No. 10 entitled an act to change the time of holding the Circuit Courts of this State.

Which was read a first time

And under a suspension of the rules was read the 2d time by title

And on motion of Senator Hanks was laid on the table and made the special order of the day for to morrow at 12 o'clock

A message was here received from the House of Representatives as follows.

Hall of House of Representatives
Little Rock Ark May 20th 1874

Mr. President - I am instructed by the House of Representatives to inform your Honorable Body of the passage of House Bill No. 31 an act entitled an act making an appropriation to pay the contingent expenses of the Annual Assembly of the State of Arkansas: also the passage by the House of the Bill of the House (H.B. 20) entitled an act to amend an act to establish the County of Sarber and for other purposes, approved February 27th 1873 also the passage of Senate Bill No. 4 entitled an act to change the time of holding the terms of the Supreme Court of the State of Arkansas; also the passage of House Bill No. 16 entitled an act to change the name of Clayton County in this State to that of Anthony. - Which are herewith respectfully transmitted for your concurrence

Chas. C. Rice Jr
Clerk

Which was read and received.

A Message was then received from the House of Representatives as follows,

Hall of House of Representatives
Little Rock Ark May 20th 1874.

Mr. President – I am instructed by the House of Representatives to inform your Honorable body of the passage of Senate Joint Concurrent Resolution No. 2 which is herewith respectfully transmitted for your favorable consideration

Chas. C. Rice Jr.
Clerk.

Which was read and received.

Senator Hauks called up House Bill No. 20 entitled An Act to amend an act to appoint a State Geologist and for other purposes Which was read the first time.

And under a suspension of the rules was read the 2d Time by title.

And on Motion of Senator Hauks was referred to the Committee on Counties and County lines.

A Message was then received from the House of Representatives as follows

Hall of House of Representatives
Little Rock Ark May 20th 1874

Mr. President – I am instructed by the House of Representatives to inform your Honorable Body of the Passage of House Bill No. 7. An Act to be entitled an Act to repeal an Act entitled An Act to define the duties of the Clerk of Pulaski County. Which is herewith respectfully transmitted for your favorable consideration

Chas. C. Rice Jr
Clerk

Which was read and received.

Senator Lovejoy called up Senate Bill No 12 entitled An Act to change the boundary lines between the counties of Monroe and Prairie

Which was read the second Time by title

Senator Carter on leave introduced a Bill entitled An Act to repeal an Act amendatory of and Supplementary to an Act to provide for the of Circuit Courts and define their duties.

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the Committee on Judiciary

Senator Brooks moved that a committee of three be appointed to wait on the House of Representatives and inform that body that the Senate is ready to go into joint session for the purpose of electing three State Superviseors of Election as provided for in an Act entitled An Act providing for a Convention of the people of the State of Arkansas to frame a new Constitution.

Which was adopted and the Chair appointed as such Committee Senators Brown, Jones & Hawks.

Senator Brown called up House Bill No. 31, entitled An Act making appropriation to pay the contingent expenses of the General Assembly of the State of Arkansas.

Which was read the first time.

And under a suspension of the rules was read the second time by title, and referred to the committee on the Judiciary.

Senator Brown offered the following resolution

Resolved that a committee of three on the part of the Senate and a like committee on the part of the House of Representatives be appointed by the Speaker and President of their respective Houses as a joint committee to hear and report on the testimony in the case of James R. Berry vs. Stephen Wheelen in a contest for the office of Auditor of State.

Which was read the first time.

And under a suspension of the rules was read the second time by title

And on motion of Senator Brown was referred to the Committee on Elections with instructions to report tomorrow morning

Senator Beauvais on behalf of the Select Committee appointed on behalf of the Senate to wait upon the House of Representatives and inform that body that the Senate was ready to go into joint session, reported that the Committee had attended to the business imposed upon it and asked to be discharged.

Which was granted.

A message was here received from the House of Representatives through Mr. Simpson chairman of Committee of 3 appointed on the part of the House of Representatives to inform the Senate that the House would be ready to receive them in joint session in ten minutes.

Whereon on motion of Senator Beauvais the Senate took a recess of ten minutes.

Upon the expiration of the recess the Senate proceeded in a body to the Hall of the House of Representatives

The joint session being called to order the President of the Senate stated that the Senate and House of Representatives had met for the purpose of electing three State Supervisors of election as provided for in an act entitled An act providing for a Convention of the People of the State of Arkansas to frame a new Constitution.

The roll of both Houses was called and a quorum of each being present.

Senator Mr. Arthur nominated Dudley E. Jones

Senator Friman moved that that but one name at a time be balloted for. Carried.

Representative C. C. Johnson nominated H. King White.
Representative Chapline nominated J. P. Eagle
Representative J. F. Davis nominated R. S. Yerkes

The vote first in the Senate Jones 17, Yerkes 1.
In the House ~~the vote stood for~~ Jones 47, White 3 Yerkes 1. Eagle 1.

The final vote ~~stood~~ Jones 64, Yerkes 2 Eagle 1. White 3.

The President then announced that Dudley E Jones having received a majority of all the votes cast was duly elected one of the Supervisors of Election.

On the second ballot the following persons were nominated: W. D. Bloxham, Gordon N. Peay and H King White.

In the Senate Gordon N. Peay received 17 votes, and W. D. Bloxham 1 vote.

In the House Gordon N. Peay received 48 votes W. D. Bloxham 1 vote and H. King White 3 votes

On final Ballot Gordon N Peay received 18 votes W. D. Bloxham 2 votes, and H King White 3 votes.

The President then announced that Gordon N. Peay having received a majority of all the votes cast was duly elected one of the Supervisors of Election.

On the third Ballot for Supervisor of Election the following nominations were made: Geo. C. Gallagher Ben F. Embry, S. H. Harland Tom P Dockery H. King White A. H. Garland Conway Barbour Robert Cuterton and R. S. White.

In the Senate	Geo. C. Gallagher received	6 votes	
— — —	Tom P. Dockery	—	4 —
— — —	Ben F. Embry	—	1 —
— — —	Conway Barbour	—	3 —
In the House	Geo. C. Gallagher	—	11 —
— — —	Tom P Dockery	—	3 —
— — —	A. H. Garland	—	27 —
— — —	Ben F. Embry	—	5 —
— — —	Conway Barbour	—	3 —
— — —	R. C. Cuterton	—	1 —
— — —	H. King White	—	1 —
On first Ballot	Geo. C. Gallagher	—	17 —
— — —	Tom P. Dockery	—	7 —
— — —	Ben F. Embry	—	6 —
— — —	Conway Barbour	—	6 —
— — —	A. H. Garland	—	27 —
— — —	R. C. Cuterton	—	1 —
— — —	H. King White	—	3 —

The President announced that no one having received a majority of all the votes cast, consequently there was no election and directed the votes to be again called.

By consent the name of Geo. C. Gallagher Tom P. Dockery Ben F. Embry Conway Barbour R. C. Cuterton & H. King White were withdrawn.

In the Senate A. H. Garland received 17 votes
In the ~~House of Representatives~~ A. H Garland — 50 —
On first Ballot A. H. Garland — 69 —

The President then announced that A.H. Garland having received a majority of all the votes cast was duly elected one of the Supervisors of Election.

Senator Frisbie moved that a committee of 3 Senators and 5 Representatives be appointed to wait upon the Supervisors elect and inform them of their election.

The President appointed Senators Frisbie Ratcliffe and McCabe such committee on the part of the Senate.

The Speaker appointed Representatives Pindell White Coffin Conway and Smith such committee on the part of the House.

There being no further business before the Joint Convention the Senate retired to their chamber.

And on motion adjourned.

H. H. Orrick
Secretary

V. V. Smith
President

Senate Chamber
Thursday May 21st 1874.

The Senate met at 10 o'clock A.M.
President N. B. Smith in the chair.
The Roll was called and the following Senators answered to their names: Allen, Baxter, Bilodin, Brown, Benn, Dawson, Dunn, Dwyer, Fessenden, Hanks, Jones, Longley, McCobb, McCheney, Pollard, Ratcliffe, Sawyer, Stevens & White - 19.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

The following message was received from the House of Representatives

House of the House of Representatives
Little Rock Ark May 20th 1874.

Mr. President. I am instructed by the House of Representatives to inform your honorable body of the passage of Sub. H. B. No. 19 entitled An Act to remove the County seat of the County of St. Francis, which is herewith respectfully transmitted for your honorable consideration.

Thos. A. Rice Jr
Chief C.

Senator Allen rising to privilege question moved that Senator Farrar be now sworn in, which was agreed to.

When Senator Farrar appearing before the bar of the Senate, the Lieutenant Governor administered the oath of office.

Senator Jones asked leave of absence for Senator Ward for a few days; which was granted.

Senator Farrar asked leave of absence for a few days on account of illness - granted and asked to be excused for his attendance hereto fore, on account of illness - granted.

Senator Jones gave notice that he would at an early day introduce a bill to suspend the sale of the Real Estate Bank lands and all other judicial action regarding the same till further action on the subject by the General Assembly.

Senator McCheney gave notice that he would on tomorrow introduce a bill entitled An Act regulating improvements made, and to render valid acts had and done, by virtue of the Proclamation of the Governor declaring Martial Law and for other purposes.

Senator Ratcliffe gave notice that he would introduce a bill to compel the Railroads in this State to fence said Railroads and to pay for all stock killed by the trains upon the roads.

Senator Farrar gave notice that he would at an early day introduce a bill supplementary to the act providing for the holding of a Constitutional Convention.

Senator Allen introduced the following resolution:

Resolved — That the President and the Secretary of the Senate be instructed and directed to certify no per diem to any Member or officer of this body who is or has been or may be absent without leave for the time such officer or Member may be so absent, unless such officer or Member is or has been or shall be detained by causes over which he had or could have no control.

Which was adopted.

Senator Brown offered the following resolution:

Resolved that the Secretary of the Senate be required to procure & furnish each Member of the Senate a copy of Hantts Digest.

Which was adopted.

Senator Baldwin as chairman of the Committee on Enrolled Bills made the following report:

Senate Chamber
Little Rock May 21st 1874

Mr. President — Your Committee on Enrolled Bills have examined and found correctly enrolled Senate Joint Resolution No. 2.

Baldwin
Chairman

Which was read and received.

Senator Baldwin as chairman of the Committee on the Judiciary made the following report:

Senate Chamber
Little Rock May 22d 1874

Mr. President — Your Committee on Judiciary to whom was referred House Bill No. 31 would respectfully report that they have had the same under consideration and herewith return the same and recommend its passage.

Baldwin
Chairman

Which was read and received.

Senator Baldwin as chairman of the Committee on Elections made the following report:

Senate Chamber
Little Rock 1874.

Mr. President — Your Committee on Elections have considered Senate resolution providing for the appointment of a Committee to consider the petition of J. R. Berry to contest the election of Stephen Wheelan to the office of State Auditor and also the petition of said Berry, and respectfully report the same back to the Senate and recommend that the Committee provided for in said resolution be appointed.

Baldwin
Chairman.

Senator Hanson as chairman of the Committee on Counties and County lines made the following report:

Senate Chamber
Little Rock May 21st 1874

Mr. President — Your Committee to whom was

referred S.B. No. 3 a bill to be entitled An act to change the location of the County Seat of Clayton County, respectfully report that they have had the same under consideration and report back the following substitute and recommend its passage

Hanks
Chairman

Senator Frierson presented the following report:

Mr. President – Your committee appointed by the Senate and House of representatives in joint session assembled, to inform Dudley E. Jones Gordon N. Peay and A. H. Garland of their election to the office of members of the State Board of Supervisors of Elections under law are entitled an act providing for a convention of the People of the State of Arkansas to frame a new Constitution, beg leave to state that they have conferred with the persons so elected and have been assured that they will accept and enter upon the discharge of their duties forthwith

J. G. Frierson
Chairman

Senator Frierson on leave introduced a bill entitled An act to relieve the citizens of Crop County, which was read the first time.

And under a suspension of the rules was read the 2d time by title, and referred to the committee on Finance.

Senator Beavers on leave introduced a bill entitled An act to repeal Sec. 113 of the Revenue act of 1873, which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the committee on finance.

Senator Jones in accordance with previous notice introduced a bill entitled An act supplementary of and amendatory to an act entitled an act providing for a convention of the people of the State of Arkansas to frame a new Constitution

Which was read the first time

And under a suspension of the rules was read the second time by title and referred to the Committee on the Judiciary.

Senator Dunagan on leave introduced a bill entitled An act to further provide for the pay of Registrars

Which was read the first time.

And under a suspension of the rules was read the second time by title, and referred to the committee on finance.

Senator Ratcliffe on leave introduced a bill entitled An act to make Railroad Companies responsible for stock killed by their Trains.

And under a suspension of the rules was read the 2d time by title, and referred to the Committee on the Judiciary.

Senator Brown called up Substitute for Senate Bill No. 8, entitled An act authorizing the Governor to fill vacancies in cases of impeachment

Which was read the third time and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

Those who voted in the affirmative were Senators Askew Beavers Beldin Brown Bunn Dawson Dunagin Duke Friend Hanks Jones Lovejoy McCabe McChesney Pollard Ratcliffe Sawyer Scott & White - 19

Those voting in the negative ~~None~~ Senator Torrans - 1

So the Bill passed.

~~Upon a motion of~~ Senator Askew moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table

Senator Ratcliffe called up Substitute for Senate Bill No. 3 entitled An act to provide for the mode of changing the County seat of Clayton County.

Which was read the first time

And under a suspension of the rules was read the second time by title.

And under a further suspension of the rules was read the 3d time by title and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were Askew Beavers Beldin Brown Bunn Dawson Dunagin Duke Friend Hanks Jones Lovejoy McCabe McChesney Pollard Ratcliffe Sawyer Scott Torrans & White - 20

In the negative none.

So the Bill passed.

The special order of the day being the consideration of Senate Bill No. 2 entitled An act to redistrict the State for Congressional purposes

On Motion of Senator Brown it was referred to a Special Committee of five to be appointed by the Chair.

The Chair appointed as such Committee Senators Brown Friend Torrans Duke & White.

A Message was now received from the Governor as follows:

Executive Office
State of Arkansas
Little Rock May 24th 1874

To the Senate of Arkansas
Gentlemen

I have approved and signed Senate Joint Resolution No 2 which is herewith returned

Elisha Baxter
Gov. of Arkansas

Senator Belden as chairman of the Committee on Enrolled Bills presented the following report:

Senate Chamber
Little Rock 1874.

Mr. President — Your committee on Enrolled Bills have this day presented Senate Joint resolution No. 2 to the Governor for his signature and have this returned the original Bill to the Senate.

Respectfully
Chairman

Senator Scott called up Senate Bill No. 9 entitled an act to repeal an act entitled an act to provide for paying interest on bonds issued to aid in the construction of railroads, approved April 10th 1869.

And on motion of Senator Brown was made the special order of the day for to-morrow at 11 o'clock.

The special order of the day being the consideration of Senate Bill No. 10 entitled an act to provide for changing the time of holding the Circuit Courts of this State

Was taken up and on motion of Senator Brown, re-committed to the committee on the Judiciary

Senator Freeman called up House Bill No. 19 entitled an act removing the County seat of the County of St. Francis

Which was read the first time.

And under a suspension of the rules was read the second time by title, and referred to the committee on Counties and County lines.

Then on motion of Senator Brown the Senate adjourned.

H. H. Smith
Secy

V V Lupton
President

Senate Chamber.

Friday, May 22nd 1874.

The Senate met at 10 o'clock A.M. Lieut. G. O. Smith in the Chair.

The Secretary called the roll when the following named senators answered to their names: Allen, Beeson, Belden, Brown, Burns, Dawson, Dunagan, Dutton, Briggs, Grant, Hawks, Langley, McCabe, McCherry, Pollard, Ratcliffe, Sargent, State & Swan — 19.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

A message was here received from the House of Representatives as follows:

Hall of House of Representatives
Little Rock Ark. May 21st 1874

Mr. President: I am instructed by the House of Representatives to inform your honorable body of the passage of Substitute to Senate Bill No. 2 A Bill to be entitled an act providing the mode of changing County Seats of Clayton County: of S.B. No. 7, entitled an act directing the Auditor to draw his warrant on the Treasurer for the payment for the legal advertising done by the official newspapers of the State, which are herewith returned to the Senate: also H.B. No. 12 an act to prevent frauds in the disbursement of the public school funds and for other purposes: H.B. No. 17 an act to protect the public and private caves: H.B. No. 20, an act entitled an act making an appropriation for the payment of the registrars for the year 1873: H.B. No. 24 an act entitled an act to repeal paragraph 5 of section 109 entitled an act to provide for the payment of the current expenses of the State of Ark. ansas for two years, commencing on the 1st July 1873: H.B. No. 32, entitled an act regulating the time of holding the circuit court of the county of Stone. Also of House Joint R. No. 5, providing for the appointment of a joint committee to ascertain who are in charge and responsible for the sinking of the steamer Helena: of Sub. for H.B. No. 33, an act for the reviver of the County seat of Prairie County, which are herewith respectfully transmitted for your favorable consideration.

Chas C Reid
Clerk

The President appointed Senators Duke, Brown & Pollard as a committee called for by Senate Joint Resolution No. 2.

Senator Austin gave notice that at an early day he would introduce a bill designating the districts made at the last session of the General Assembly to their appropriate congressional districts.

Senator Dawson offered the following resolution:

Resolved That the Auditor of State be and he hereby is directed to report at an

to the Senate the amount of the warrants drawn on the Treasurer to pay the expenses of the special registration ordered by the Governor in the year 1873 also the average expense incurred in each County in the State together with an estimate of the amount that will be necessary to be appropriated to pay all expenses incurred by reason of said registration still remaining unpaid.

Which was accepted.

Senator Belden as Chairman of the Judiciary Committee made the following report:

Mr. President – Your Committee on Judiciary to whom was referred Senate Bill No. 10 entitled an act to change the time of holding the Circuit Courts of this State, have had the same under consideration, together with the substitute, and report the same back and recommend the passage of the substitute. Belden Chairman

Also as Chairman of the Judiciary Committee reported back Senate Bill No. 16 entitled an act to relieve the citizens of Crosby County with the recommendation that it do pass

Belden
Chairman

Senator Hawks as Chairman of the Committee on Counties and County lines presented the following report:

Mr. President – Your Committee to whom was referred House Bill No. 9 an act entitled an act to remove the County seat of St. Francis County have had the same under consideration and report the same back with a recommendation that it do pass.

Hawks,
Chairman.

Senator Good as Chairman of the Committee on Memorials presented the following report:

Mr. President – Your Committee on Memorials to whom was referred House Resolution No. 13 have had the same under consideration and recommend its passage

Good
Chairman

Senator Pallance as Chairman of the Select Committee on Auditor's and Treasurer's Books presented the following report:

Mr. President – Your Committee appointed to examine into the situation, condition &c of the Books and offices of Auditor & Treasurer have done so as follows:

We find after as careful an examination with the assistance of experienced clerks, as our calls made in the short time allowed. That during the interim from April 18th to May 19 inclusive, the Auditor of the State issued warrants on the Treasurer to the amount of $132,861 82 cts. Of this amount the sum of $50,000 00 was issued by the Auditor upon vouchers approved by

Joseph Brown upon an appropriation (as specified therein) expenses specified in Sections 11 & 12 Chapter 164 of Laws 1861. We also find a warrant drawn upon the contingent fund of Executive Office approved by Joseph Brown for $500.00

We also find that the Treasurer of the State has during the aforementioned period paid out Treasurers Certificates upon said Auditors Warrants to the amount of $53,931.44/100 and that the same appear to have been regularly and legally issued, and the warrants thus paid were for services of Clerks Judges &c in the usual course of business, and that none of the warrants for the $50000- or the $500.00 alluded to have been paid. We also find that the last warrant drawn by the Auditor for the sum of $10,964.25 in favor of D. P. Upham for fees in Chancery Court wherein the State is a party is unpaid, that said warrant or voucher seems to be lost.

We also find that Warrants 818 & 848 as appear on the Register of Warrants have never been delivered but remain with the voucher unsigned in the Auditors office

Hereto appended will be found a list of the Auditors Register of Warrants and a separate list of No & amounts of the Warrants drawn on the 50,000 $ appropriation, as herein before recited.

From the short time allowed in which to make examination your committee have been unable to further prosecute the same and have confined their examination strictly to the matter of business transacted in these offices during the period alluded to, but would recommend that three commissioners be appointed to make a thorough examination to be completed at some future time.

J. M. Pollard
Chairman

Senator McCherry introduced a bill entitled An act to legalize the declaration of Martial Law in Pulaski County and for other purposes

Which was read the first time

And under a suspension of the rules was read a second time by title and referred to the Judiciary Committee.

Senator Foote introduced a bill entitled An act to define the lines between the Counties of Pope and Conway.

Which was read a first time

And under a suspension of the rules was read a second time by title and referred to the Committee on Counties and County lines.

Senator Parrow on leave introduced a bill entitled An act to prevent the further issue of Treasurers Certificates

Which was read the first time.

And under a further suspension of the rules was read the second time and referred to Finance Committee.

Senator Parrish in accordance with previous notice introduced a bill entitled an act supplementary to an act providing for a convention of the people of the State of Arkansas to frame a new Constitution

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the committee on the Judiciary.

Senator Parrish called up Senate Bill No. 16 entitled an act to relieve the citizens of Crop County

Which was read the third time and placed upon its final passage.

The question being shall the bill pass it was decided in the affirmative

Those Senators voting in the affirmative were. Carter Beams Baldwin Brown Burns Dawson Fairman Harper Jones Longley McCheaney Pollard Ratcliffe Sawyer Scott & Parrish — 16.

Senator McCabe was excused from voting.

Those voting in the negative were Senators Dunagin & Duke 2

So the Bill passed.

~~On motion~~ Senator Parrish moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Brown called up the Petition of James R Berry for the office of Auditor of the State. and offered the following resolution in relation thereto.

Resolved. That a committee of three on the part of the Senate to act with a like committee on the part of the House of Representatives be appointed by the Speaker and President of the Senate as a joint committee to hear and report on the testimony in the case of Jno. R. Berry vs. Stephen Wheeler in a contest for the office of Auditor of State and that said joint committee be empowered to send for persons and papers.

Which was adopted.

The President appointed as such committee Senators McCabe Jones & McCheaney.

Senator Baldwin as chairman of the Judiciary committee presented the following report.

Mr. President — Your committee on Judiciary have considered Senate Bill No. 11 and recommend its passage

Baldwin
Chairman

also the following

Mr. President — Your committee on Judiciary have considered Senate Bill No. 15 and respectfully report the same back and recommend its passage

Baldwin
Chairman

Senator Brown called up Senate Bill No. 15 entitled an act supplemental to and amendatory of an act to provide for a convention of the people of the State of Arkansas to frame

to new Constitution

Which was read the third time and passed on its final passage

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were: Ashton Barnes Belden Brown Bunn Dawson Donnegan Duke Friemann Good Hauser Jones Langley McCabe McCherry Pollard Ratcliffe Sawyer Stott & Torrance — 20.

So the negative none.

So the Bill passed.

~~On motion of~~ Senator Duke moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Friemann called up House Bill No. 19 entitled an act to remove the county seat of St. Francois County.

Which was read the third time and passed on its final passage

The question being shall the bill now it was decided in the affirmative

Those who voted in the affirmative were Senators Ashton Barnes Belden Brown Bunn Dawson Donnegan Duke Friemann Good Hauser Jones Langley McCabe McCherry Pollard Ratcliffe Sawyer Stott Torrance — 20

So the negative none

So the Bill passed.

~~On motion of~~ Senator Friemann moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Belden called up Substitute for Senate Bill No. 10 entitled an act to change the time of holding the Circuit Courts of this State.

Which on motion of Senator Torrance

was made the special order for tomorrow at 11 o'clock of the day

Senator Carter called up House Bill No 32 entitled an act to regulate the time of holding the Circuit Court of the County of Storey.

Which was read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read a third time by title and placed on its final passage

The question being shall the bill pass it was decided in the affirmative.

Those Senators voting in the affirmative were Arthur Beaver Belden Brown Bunn Dawson Dunagin Dusen Fisher Good Hawks Jones Langley McCabe McKinney Pollard Ratcliff Sawyer Scott & Stevens — 22.

So the negative rose

So the bill passed.

~~On motion~~ Senator Arthur moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Beaver called up House Joint Resolution No. 5 appointing a committee of five to investigate the matter of the building of the Sherman Hotel.

Which was read the first time.

And under a suspension of the rules was read the second time by title.

And under a further suspension of the rules was read a third time ~~and passed~~ upon its final passage

The question being shall the Joint resolution pass it was decided in the affirmative

Those Senators voting in the affirmative were Arthur Beaver Belden Brown Bunn Dawson Dunagin Dusen Good Hawks ~~[illegible]~~ Jones Langley McCabe McKinney Pollard Ratcliff Sawyer Scott & Stevens — 19.

So the negative rose

So the resolution was adopted.

~~On motion~~ Senator Bunn moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Beaver called up House Bill No. 12 entitled an act to prevent fraud in the disbursements of the public school funds and for other purposes.

Which was read the first time

And under a suspension of the rules was read a second time by title and referred to the committee on Education.

Senator Dunagin called up House Bill No. 16 entitled an act to change the name of the County of Clayton in this State to that of Cathcart.

Which was read the first time

and on motion of Senator Dudley the further consideration of the bill was indefinitely postponed.

Senator Beams called up House Bill No. 7 entitled an act to repeal an act to define the duties of the clerk of Polaski County.

Which was read a first time

and under a suspension of the rules was read the second time by title and referred to the Committee on Judiciary

Senator Baldwin asked to be excused for non-attendance on the ~~[illegible]~~ first days of the session

Which was granted.

Senator Brown called up House Bill No. 31 entitled An act to pay the contingent expense of the General Assembly of the State of Arkansas.

Which was read the third time and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were Ashley Beams Baldwin Brown Burn Dawson Dunaway Duke Lord Jno Loving McCain McCleskey Pollard Ratcliffe Sawyer Scott & Torrans — 16

In the negative none

So the Bill passed

Then on motion of Senator Torrans the Senate adjourned.

H. H. Orrick
Secretary.

V. V. Smith
President

Senate Chamber
Saturday May 26th 1894.

The Senate met at 10 o'clock
The Lt. Gov. W. V. Smith in the chair
The Secretary called the roll when the following Senators answered to their names: Aiken Beavers Belden Brown Bunn Dawson Dunaway Duffie Frierson Hanks Jones Lovejoy McCabe McCherry Pallares Ratcliffe Sanger Scott Torrans and White - 22 -

Prayer by the Chaplain

The Journal of yesterday was read and approved.

A message was here received from the House of Representatives through the Chairman of a select committee appointed to inform the Senate that the House would be ready at 11 o'clock to receive the Senate in joint session for the purpose of receiving a communication from the Governor.

Senator Brown gave notice that he would at an early day introduce a bill to abolish the Criminal Court of Phillips County.

Senator Scott gave notice that he would at an early day introduce a bill to relieve the citizens of Pope County from the payment of the per centum upon excessive valuations of Real Estate in said County for the year 1892 as equalized by State Board.

Senator Lovejoy presented the petition of Pete H. Wheat applying for a seat as Senator from the 12th District

Senator Lovejoy also sent to the Center desk the following ~~the following~~ which he desired read and spread upon the journal which was granted:

Mr. President I desire to present the petition of Mr. Pete H. Wheat applying for a seat in this body as State Senator from the 12th District. He claims that he was elected in 1892. At that time Mr P. C. Dooley was seated. Mr. Dooley was afterwards appointed Circuit Judge, and a vacancy being declared by the Governor. I was elected in 1892 to fill the said vacancy Mr. Wheat being my opponent there. In that canvass he made no contest. If Mr. Wheat was elected in 1892 there was no vacancy to fill in 1890 at the time I was elected

Lovejoy.

The Petition was read the first time and referred to the Committee on Elections.

Senator Belden as chairman of the Committee on Judiciary presented the following report:

Senate Chamber
Little Rock May 26th 1894

Mr. President - Your committee on Judiciary to whom was referred House Bill No. 7, have carefully refer that they have had the same under consideration, and herewith return the same and recommend that it pass

Belden
Chairman

also the following:

Senate Chamber
Little Rock 23d May 1874

Mr. President — Your committee on Judiciary to whom was referred House Bill No. 10 would respectfully report that they have had the same under consideration and herewith return a substitute therefor and we recommend its passage

Belden,
Chairman.

Senator Hauser as chairman of the committee on Counties and County lines presented the following report.

Senate Chamber
Little Rock 1874.

Mr. President — Your committee to whom was referred S. B. No. 17 an act to define the lines between Pope and Conway counties beg leave to report the same back and recommend that it do pass.

Hauser
Chairman.

Which was read and received.

Senator McCharney as chairman of the committee on Education presented the following report.

Little Rock May 23d 1874.

Mr. President — Your committee to whom was referred H. B. No. 12 an act to prevent fraud in the disbursement of the public School funds and for other purposes would respectfully report that they have had the same under consideration, and recommend the passage of the same.

McCharney
Chairman

Which was read and received.

Senator Ratcliffe on leave introduced a Bill entitled an act for the regulation of the practice of Medicine & Surgery

Which was read the first time.

And under a suspension of the rules was read the second time by title, and ordered engrossed for a third reading & made the special order of the day for tomorrow (Monday) at 11 o'clock

Senator Pollard on leave introduced a joint resolution, declaring certain warrants drawn by Stephen Wheeler Auditor to be illegal & fraudulent & prohibiting payment of the same ~~by~~ by the Treasurer

Which was read the first time.

And under a suspension of the rules was read the 2d time by title,

And under a further suspension of the rules was read the 3d time by title and placed upon its final passage

The question being shall the resolution pass it was decided in the affirmative,

Then Senators voting in the affirmative were Beaver Belden Brown Bunn Dawson Dunaway Duke Frazier Hauser Jones Langley McCabe McCharney Pollard Ratcliffe Sampson State Parsons & Wheeler — 20.

So the resolution was

So the bill passed.

~~On motion of~~ Senator Brown moved that the vote just taken be reconsidered and the motion to reconsider ~~being~~ was laid upon the table.

Senator Jones on leave introduced a bill entitled An act to suspend the sale of the Real Estate Bank lands and for other purposes.

Which was read a first time.

And upon a suspension of the Rules was read the 2d time by title and referred to the Committee on Judiciary.

Senator Brown on leave introduced a bill entitled An act to abolish the Criminal Court of Phillips County.

Which was read the first time

And upon a suspension of the rules was read the second time by title and referred to the committee on ~~the~~ Judiciary.

Senator Belden called up House bill No. 7 entitled An act to repeal an act to define the duties of the Clerk of Pulaski County.

Which was read a third time and thereupon its final passage.

The question being shall the bill pass it was decided in the affirmative.

Those Senators who voted in the affirmative were: Messrs Belden Brown Bunn Dawson Dunagin Duke Dickson Hanks Jones Lovejoy McCabe McKenney Palmer Sawyer Scott & Dawson – 17.

Those Senators voting in the negative were: Messrs Baldwin & White – 2 – So the Bill passed.

~~On motion of~~ Senator Carlton moved that the vote just taken be reconsidered, and the motion to reconsider was laid upon the table.

The special order of the day being the consideration of Senate Bill No 10 entitled An act to change the time of holding the circuit courts of this State.

It was read the third time and thereupon its final passage.

The question being shall the bill pass it was decided in the affirmative.

Those who voted in the affirmative were Senators: Carlton Pearson Belden Brown Bunn Dunagin Duke Dickson Hanks Jones McKenney Palmer Baldwin Scott & White – 15

Those Senators voting in the negative were: Dawson Lovejoy McCabe Sawyer & Dawson – 5

So the bill passed.

~~On motion of~~ Senator Bunn moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Duke asked for an indefinite leave of absence for Senator Good on account of sickness which was granted.

Senator Brown called up Substitute for House Bill No. 10 entitled An act to repeal an act authorizing the Governor to appoint a State Geologist and for other purposes, and moved the adoption of the Substitute reported by the committee.

Which was agreed to.

The bill was then read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read a 3d time by title, and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

Those who voted in the affirmative were Senators Carter Berry Brown Bunn Dawson Dunaway Duke Freeman Hanks Jones Langley McCabe McChesney Pollard Rutledge Sawyer Scott Parrott White – 19.

In the negative none.

So the bill passed.

~~On the motion of~~ Senator Baldwin moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Scott called up Senate Bill No. 17. Entitled An act to define the boundary lines between the Counties of Pope and Conway.

Which was read the 3d time.

And on motion of Senator Parrott was recommitted to the Committee on Counties and County lines.

Senator Brown called up Senate Bill No. 9, entitled An act to provide for ~~the~~ paying the interest of the Bonds & aid in the construction of Rail Roads approved Apl. 10. 1869

Senator Hanks moved to indefinitely postpone the consideration of the bill

Senator Brown moved as a substitute for the motion that the bill be recommitted to the committee on Judiciary

Which was agreed to.

Senator Baldwin as chairman of the committee on Enrolled bills presented the following report.

Senate Chamber

Little Rock 1874.

Mr. President – Your Committee on Enrolled bills Respectfully Report ~~that~~ they have on this day at ~~clock~~ examined the following bills to the Governor: Senate Bill No. 4 A bill to be entitled An act to change the time of holding the terms of the Supreme Court of the State of Arkansas; also Substitute to Senate Bill No. 3 A bill to be entitled An act providing the mode of changing the County site of Clay County: also Senate Bill No. 7. A bill to be entitled An act directing the Auditor to draw his warrant on the Treasurer for the payment of the legal advertising done by the Officers thereof of this State, and do return the originals.

Baldwin

Chairman

Senator Brown called up House Bill No. 12, entitled An act to prevent frauds in the disbursement of the public School fund

and for other purposes.

Which was read the 3d time and passed on its final passage.

The question being shall the bill pass it was decided in the affirmative.

Those Senators voting in the affirmative were: Arthur Beaman Belden Brown Bunn Conover Dunigan Duke Fairman Hendricks James McCabe McChesney Pollard Randolph Sawyer Scott Thomas White 19.

So the resolution rose.

So the bill passed.

Then the Senate proceeded to the Hall of the House for the purpose of receiving in joint session the following communication from His Excellency the Governor of the State:

(There is inserted a printed copy of the Message of the Governor.)

There being no further business before the convention of the two Houses the Senate retired to their chamber.

Senator Bunn gave notice that he would on an early day introduce a bill to protect the Sewage Canals of the State.

On motion of Senator Thomas the Senate adjourned.

H. H. Orrick
Secretary

V. V. Smith
President.

sentatives:

I respectfully call your attention to the great evils growing out of the fact that civil officers of the state who have given their allegiance to an attempted and bloody usurpation of the state government, are still presuming to exercise their civil functions, which cannot but tend to promote disorder, distrust and possibly further civil commotion.

I most earnestly recommend that prompt and efficient action be taken by your honorable bodies; to ascertain all the civil officers of the state who have been engaged in the late insurrection and have been guilty of overt acts amounting to treason against the state, and that you take such action as will suspend them from office, and at least prevent them from exercising any of the functions of such offices. No such persons should be allowed to take any part in the government of this state until the sovereign people have had an opportunity of rendering judgment in their cases. Owing to the unmistakable evidences of corruption and unrestrained party zeal manifested for the past several months on the part of the circuit courts of the state, with but few exceptions, and as we all know that from this cause our state was plunged into the late anomalous and unsightly attitude before the world, I recommend the passage of a law abolishing the terms of such courts from this day till the meeting of the convention in July next.

I also respectfully call the attention of your honorable bodies to the necessity in strict justice to yourselves and the honest men who, regardless of their private interests, rallied so promptly to the defense of the state government, and so faithfully performed the arduous duties of their respective positions under most discouraging circumstances, of providing for their pay, subsistence and allowances, of the several officers and men of the Arkansas state guards, called into service on and after April 15, 1874, and recommend that a sufficient amount of money be appropriated to discharge all the liabilities of the state for military purposes above referred to, as well as for the payment of all the ordnance stores purchased by or furnished to the state during the late insurrection.

I recommend, in the same connection, that provisions be made on the same footing as for the military expenses, for the payment of the expenses of the present session of the legislature, and for payment and reimbursement of the able and efficient counsel who have been employed by the executive to supply the place of the attorney-general, who was in the insurgent's camp, and also to represent the rights and interest of the state in Washington during the great crisis just passed so happily through.

No precise estimate of the expenses of the war can be made before the probable time contemplated by you for your adjournment. Estimates as accurate as the nature of the case will allow, will be promptly prepared by the proper officers and communicated to you herewith.

I would suggest, in regard to the means of payment of the expenses above referred to, that to use the currency collected for the taxes of the year 1873, for the payment of interest on the public debt in any other manner would be a palpable violation of the present constitution, as it was collected for a specific purpose, and more especially as it would set a bad precedent for the future; for no financial policy can be properly carried out without an absolute provision for the payment of the interest on the obligations of the state; which interest must be raised by a specific tax in currency, and used for no other purpose. Besides this, no one can desire that our present or any future legislature should act in worse faith than any of our previous ones under radical rule have ever done.

It is suggested that the state issue bonds for an amount sufficient to cover the estimates, redeemable at its pleasure, after the expiration of five years from date, and payable in United States currency at ten years after date, with interest in United States currency at ten per cent. per annum, payable annually; said bonds to be of the denomination of $100 and $500 each, to be free

[illegible]

satisfy the people generally, that they are sure of the collection of their interest when due without any delay whatsoever. To meet fractional amounts under one hundred dollars, a specific issue be made of certificates of indebtedness, convertible into said bonds in sums of one hundred dollars or its multiple.

Presuming that the first three months of the year is the best time for the collection of taxes, and that the sheriffs will be required to make full settlement for the same by or before the middle of June, the 1st of July has been selected as the proper date of the bonds, and as we collect taxes but once a year, so the payment of the interest should be annually only.

With regard to the future financial policy of the state, it is generally conceded that the issue of scrips by the state, counties or cities, has proved to be one of the most fruitful sources of fraud and distrust, and their future issue should be prohibited. As the subject is one of the most important with which we have to deal, it is suggested that a committee of the best financial men of our city or state, to be selected by you and during the month of June, after mature deliberation, prepare for and submit to the constitutional convention for their action such financial policy for the future government of the state as they may deem best; such committee to have full power to obtain any and all information on the subject of the state finances as they may require, such provisions to be made in the selection of said committee as will insure the services of the best talent to

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I desire also to call attention to the fact that in pursuance of the law I have from time to time offered rewards for the apprehension of criminals, and which in numerous cases have led to their arrest, and I have been unable to pay the same for the want of an appropriation for the purpose.

I am also informed that the appropriation made for the payment of the clerks employed in the several departments has been exhausted, and that they have for some time past been paid under statutes which are at least of doubtful validity. I would invite your attention to a proper provision for this purpose.

Finally, it has been suggested to me, upon the best authority, that there is a necessity in connection with the late military operations for a contingent fund, for purposes which cannot properly be embraced in the estimate herewith submitted, and I call your attention to the subject as one properly within your discretion, and I would recommend that the provision for all these objects should properly be made under the same financial scheme suggested for the payment of the first-named liabilities of the state

The army summoned from the avocations of civil life is being disbanded as quickly as the public security will allow, to save the state from the possibility of further disturbances by the desperate conspirators from whose machinations we have just escaped. I have authorized the enlistment in the service of the state of two companies of sixty men each, with the usual officers, to be kept upon regular duty to protect the capitol and preserve the peace until the government of the state can be reorganized upon the new basis contemplated in the calling of a constitutional convention

I would ask that provision be made for their maintenance in the same manner as the other war expenses are paid.

These liabilities of the state, to the liquidation of which your attention is hereby called, are greatly to be deplored in the impoverished condition of our country, but they are the price we must pay for the inestimable blessing of civil liberty, now for the first time in so many years secured to the people of Arkansas; and it is only right and just that they should be borne by the whole people for whose benefit the expense has been incurred, and not by those individuals on whom the first weight has fallen and who have so patriotically borne the same. ELISHA BAXTER,
Governor of Arkansas.

HEADQUARTERS STATE OF ARKANSAS,
ADJUTANT-GENERAL'S OFFICE,
Little Rock, May 23, 1874.

To His Excellency, Elisha Baxter, Governor of Arkansas

In compliance with your request, I have the honor to report that from all the information which I have been able to obtain from official and other sources, I find the following to be the most correct estimate of the expenses incurred on account of military operations during the recent troubles, viz:

For the pay of officers, men and employes	$ 70,000
For the subsistence of officers, men and employes	40,000
For the expenses of the quartermaster's department	20,000
For the cost of transportation	30,000
For the cost of ordnance and ordnance stores.	30,000
For contingent expenses, including money borrowed, laid out and expended	60,000
Making a total of	$250,000

I remain, governor, very respectfully, your obedient servant,
M. M'CANANY,
Adjutant-General.

HEAD'QRS MIDDLE DIVISION, A. S. M.
Little Rock, May 23, 1874.

His Excellency Elisha Baxter, Governor of Arkansas and Commander-in-Chief:

GOVERNOR—In response to your communication of this date, requesting information as to the expenses incurred for the pay, subsistence, ordnance and other branches of the military departments of the state, during the late disturbances, I have the honor to submit the following estimates:

For the pay of officers, men and employes	$ 60,000
For the subsistence department	50,000
For the quartermaster's department (including transportation)	70,000
For the ordnance department	30,000
For contingent expenses, errors, etc	90,000
Total amount	$300,000

It is impossible to make these estimates upon exact data at the present time owing to the scattered condition of the troops, and the large extent of territory in which liabilities were incurred for defraying the expenses of recruiting and subsisting men, and transporting men and material. In my opinion, however, from all the information at my disposal, an appropriation of a less amount than that indicated would be inadequate and unjust, and fail to discharge the obligations which the state owes to its gallant citizen-soldiers, and those who have so cheerfully and manfully responded to the calls upon their patriotism.

I have the honor to remain, governor, very respectfully, your obedient servant,
T. J. CHURCHILL,
Major-General commanding.

Senate Chamber:
Monday May 25th 1874.

The Senate met at 10 o'clock the Lt. Gov. C. C. Smith in the chair

The Secretary called the roll when the following Senators answered to their names: Aiken Beaman Belden Brown Burns Dawson Dunagan Duke Frisbee Harris Jones Lovejoy McCabe McChesney Pollard Ratcliffe Sawyer Scott Torrance & White - 20

Prayer by the chaplain

The Journal of yesterday was read & approved.

A message was here received from the House as follows:

Mr. President - I am instructed by the House of Representatives to inform your Honorable body of the passage of the joint Resolution of the House (H. J. R 10) a joint Resolution providing for an adjournment of the General Assembly May 28th 1874 to meet again on the first day of December 1874 which is herewith transmitted for your favorable consideration

C. C. Rice Jr
Clerk

Senator Aiken moved that the Senate proceed to the consideration of Bills from the House of Representatives.

Which was agreed to.

When the following bills were taken up

House Bill No. 17, entitled an act to protect the fruit trees of this State

Which was read the first time.

And under a suspension of the rules was read a second time by title, and referred to the Committee on Internal Improvements.

House Joint Resolution No. 10 entitled Resolution providing for the adjournment of the General Assembly do meet Thursday the 28th day of May 1874 to the first day of December at 12 o'clock noon.

Which was read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time by title and passed upon its final passage

The question being shall the resolution pass it was decided in the affirmative

Those Senators who voted in the affirmative are: Aiken Beaman Brown Burns Dunagan Duke Frisbee Harris Jones McCabe McChesney Pollard Ratcliffe Sawyer & Scott - 18

Those Senators voting in the negative were Dawson Lovejoy Torrance & White - 4.

So the Joint Resolution passed

~~Whereupon~~ Senator Aiken moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

House Bill No. 20 entitled an act in relation

-tion to the appropriation for the payment of the legislators for the year 1873.

Which was read the first time.

And under a suspension of the rules was read a second time by title and referred to the committee on finance.

House Bill No. 24 entitled an act to repeal paragraph 5 of Sec. 1. of Act 109 to provide for the payment of the current expenses of the State of Arkansas.

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the committee on Finance.

House Joint Resolution No. 2. expressing a vote of thanks to Hon. W. W. Wilshire.

Which was read the first time.

And under a suspension of the rules was read the second time by title

Senator Williams moved that the resolution be referred to the Committee on Federal Relations.

Which was lost

Senator Jones moved that the consideration of the resolution be made the special order for the day for tomorrow at 11 o'clock.

Which was agreed to.

Substitute for House bill No. 38 entitled an act to provide for the removal of the county seat of Prairie County.

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the Committee on Counties & County lines.

Senator Eastham presented a memorial in the case of Ford asking its reference to the Claims Committee — agreed to.

Senator Forejoy asked leave at a future day to present a remonstrance to the passage of the bill — which was granted.

A Message was then received from the House as follows.

State of Arkansas
House of Representatives
Little Rock March 25 1874.

Mr. President — I am instructed to inform your honorable body of the passage by the House of the bill of the House (H.B. 72) entitled an act in regard to the Arkansas Industrial University, the offices, officers and management thereof, which is herewith transmitted for your favorable consideration

Chas. C. Reid Jr
Clerk

Senator Williams called up House Bill No. 72 entitled an act in reference to the Arkansas Industrial University

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the Committee on Education

Senator Belden as chairman of the committee on Engrossed Bills presented the following report.

Senate Chamber

Little Rock 1874

Mr. President – Your committee on Engrossed bills respectfully report as correctly engrossed Senate Bill No. 23

Belden
Chairman.

The special order of the day being the consideration of Senate Bill No. 23 entitled An Act for the regulation of the practice of Medicine & Surgery in the State of Arkansas.

It was taken up and read the third time and placed upon its final passage.

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were Belden Brown Dunn Hanks McCleary Pollard Ratcliffe Stills & Torreyson – 9 –

Those Senators voting in the negative were Bunn Jones Dunaway & White – 4.

So the bill passed.

Senators Ratcliffe moved that the vote just taken be reconsidered & the motion to reconsider be laid on the table.

Which motion was lost.

Senator Hanks gave notice that he would on tomorrow move a reconsideration of the vote by which the Senate passed Senate Bill No. 23

The President presented the following communication to the Senate from the Auditor of State in response to a resolution of the Senate calling upon him for information in relation to matters connected with his office:

Little Rock May 25th 1874

Hon U. M. Smith
President of the Senate.

Sir:

The Secretary of your honorable body has transmitted to me a copy of a resolution passed by the Senate on the 22d inst calling upon me for a report of the amount expended in paying for the special registration ordered by the Governor in 1873 and an estimate of the amount required to pay off outstanding indebtedness on account of said registration

In response I have the honor to say that on the 19th inst my office was taken possession of by the Militia forces of the State the keys demanded of me and I have not been permitted to enter it except when accompanied by a committee of the Senate appointed to investigate the affairs of the office. I shall be pleased to furnish any and all information I may be called upon to furnish by the House Assembly to furnish whenever the Commander in chief

of the Militia forces may be pleased to remove the obstruction which now prevents me from doing so and from exercising the constitutional functions of my office

I am sir very respectfully
Your obedient Servant
S. Wheeler
Auditor of State.

A Message was then received from the Governor as follows:

Executive Office
Little Rock Ark. May 28th 1874.

To the Senate of Arkansas
Gentlemen

I herewith submit the name of Hon. R. C. Newton as State Treasurer vice Henry Page resigned, for confirmation. In the hurry of business the matter of submitting his name to the Senate for confirmation has up to this time been overlooked. I hope the Senate will take early action in the premises.

Elisha Baxter
Governor of Arkansas.

Senator Belden as chairman of the Committee on Enrolled Bills presented the following report.

Mr. President — As chairman of the Committee on Enrolled Bills I herewith return Senate Bill No. 1, an act providing for a convention of the people of the State of Arkansas to frame a new constitution, which bill was correctly enrolled and signed by the Speaker of the House and President of the Senate and approved by the Governor and I herewith return the original bill

Belden
Chairman

Senator Belden gave notice that on tomorrow he would introduce a bill to provide for the suspension of the assessment of the real and personal property of the various counties of the State of Arkansas

A Message was then received from the House of Representatives as follows:

Hall of House of Representatives,
Little Rock Ark May 28th 1874.

Mr. President — I am instructed by the House of Representatives to inform your honorable body of the passage of Sub. H. J. R. No. 4, a joint resolution tendering the thanks of the General Assembly to Gen. Robt. Hamilton and other officers and soldiers of the State Militia for their efforts in maintaining of the lawful State government.

House J. Res No. 6 a Resolution regarding Senators Parnell Clayton and S. M. Dorsey to resign

H B No. 48 to be entitled an act to provide for the settlement of the collectors of revenue of the revenue collected by them in the year 1874.

Which are herewith respectfully transmitted for your favorable consideration

Chas. C. Reid Clerk

Senator Brown as chairman pro tem of the Committee on Judiciary presented the following report.

Senate Chamber

Little Rock 22nd May 1874

Mr. President – Your committee on Judiciary to whom referred Senate Bill No. 9 entitled An Act to repeal an Act entitled An Act to provide for paying the interest of the bonds issued to aid in the construction of Rail roads approved April 10th 1869, would respectfully report that they have had the same under consideration and herewith return an amended substitute therefor and recommend its passage

Brown
Ch'm pro tem.

Which was read & received

Senator Brown called up the amended substitute to Senate bill No. 9 entitled An Act to repeal the Act to provide for paying interest on bonds issued to aid in the construction of railroads approved Apl. 10 1869.

And the question being on the adoption of the substitute reported from the Committee, it was agreed to.

The bill as amended was then read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time by title and passed upon its final passage

The question being shall the bill pass it was decided in the affirmative.

Those Senators voting in the affirmative were Carter Burrows Belding Brown Bunn Dunagin Eaton Hart, Jones Lovejoy McCabe McCharang Pollard Ratcliffe Sargent Scott Torrans & White. 18.

So the regular rule

So the bill passed

~~On motion of~~ Senator Brown moved that the vote just taken be reconsidered and the motion to reconsider was laid on the table.

A message was here received from the House of Reps. as follows:

House of House of Representatives

Little Rock Ark May 22d 1874.

Mr. President: I am instructed by the House of Representatives to inform your honorable body of the passage of H. B. R. No 8 pending the thanks of the General Assembly of the State of Arkansas in behalf of the people to U. S. Grant, President.

Sub. S. B. No. 8 An Act authorizing the Governor to fill vacancies pro tem, in case of impeachment

H B No. 43 An Act entitled An Act for the relief of purchasers of School lands.

H B No. 41 A bill to be entitled An Act to repeal An Act entitled An Act prescribing the penalty for neglecting to make fences and

enclosures, in conformity to existing laws.

H.B. No. 18 An act entitled an act to repeal certain
entitled an act
in relation to the forfeited lands in certain counties
in the State of Kansas.

H.B. No. 38 An act entitled an act to empower
aliens to acquire hold convey and devise real estate

H.B. No. 58 An act to repeal an act to au-
thorize certain counties to fund their outstand-
ing indebtedness

H.B. No. 67 An act entitled an act to change
the name of Howard county to that of Mitchell.

H.R. No. 7. That in calling a convention of the
people to frame a new constitution it is the sense
of the General Assembly that no distinction be made
in the new constitution to be framed on account
of race color or previous condition of servitude
and that no provisions be adopted in the consti-
tution of a proscriptive character.

Which are herewith respectfully transmitted
for your further consideration

Chas. C. Robinson
Clerk.

Senator Jennens on behalf of a majority
of the Senate Committee to whom was referred the
matter of redistricting the state for congressional
purposes presented the following report.

Senate Chamber
Topeka May 25th 1874

Mr. President: A majority of your special committee
to whom was referred the matter of redistricting the
State for Congressional purposes beg leave to re-
port that on the 21st inst. the day they were appointed
four members of the committee met and drafted the
bill reported herewith the boundaries of which are
traced on the map marked "A". It was our under-
standing that the bill so drafted was adopted by
the committee and would be reported next day
by the chairman. This was not done and on
the 23d inst we were informed by the chairman of
the committee that a different bill had been handed
him or map of which accompanies this report marked
"B" which we had decided to report. We have
nothing to say regarding what we deem an extra-
ordinary action on the part of a portion of the
committee as we know nothing of their motives,
but we submit that the bill adopted by the com-
mittee and reported herewith is as equitable in its
division of the State that we believe it will be
adopted by the Senate.

Jennens
Duke
White

Senator Brown on behalf of the minority
of the Senate committee presented the following
report:

Mr. President: We the minority of your special
committee to whom was referred Senate Bill
No. 2 entitled an act to redistrict the State for

Congressional purposes begleave to state that they have had the same under consideration and report the accompanying bill as a substitute therefor and recommend its passage.

B. F. Brown
J. E. Atkinson

Which was read and received.

On motion of Senator Downs the consideration of the report was made the special order of the day for tomorrow at 11 o'clock.

Senator Brown on leave introduced a bill entitled An act authorizing the funding of the debt of the City of Little Rock

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the Committee on Finance.

Senator Scott in accordance with previous notice introduced a bill entitled An act to relieve the citizens of Pope County.

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the Committee on Finance.

Senator Cockrill on leave introduced a bill entitled An act to attach certain counties to their proper Congressional districts

Which was read the first time

And under a suspension of the rules was read the second time by title and referred to the Committee on Apportionment.

Senator Belden on leave introduced a bill entitled An act to suspend the assessment of the real and personal property of the State of Arkansas

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the Committee on Finance.

Senator Brown on leave introduced a bill entitled An act in reference to the prosecution of appeals & judgments of Probate courts.

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the Committee on Judiciary

On motion Senator Brown the Senate took a recess until 3,0 o'clock p.m.

Senate Chamber evening session
3 o'clock P.M. May 20th 1874

Senator Brown called up House Joint Resolution No. 8 entitled A Resolution tendering the thanks of the General Assembly to U.S. Grant President

Which was read the first time,

And under a suspension of the rules was read a second time by title

And on motion of Senator Hawkins was made the special order of the day for tomorrow at 12 o'clock

Senator Baldwin as chairman of the Committee on Finances presented the following report:

Senate Chamber
Little Rock May 25th 1874

Mr. President — Your committee on Finances to whom was referred Senate Bill No. 24, An Act Authorizing the funding of the debt of the City of Little Rock and appointing Luke E. Barton, P. W. Simmons & John J. Clendenin a board of Commissioners to audit and scale said indebtedness, would respectfully report that they have had the same under consideration and herewith return the same recommending that it pass.

Baldwin
chairman

Also the following:

Senate Chamber
Little Rock May 25th 1874

Mr. President — Your committee on Finances to whom was referred Senate Bill No. 20 entitled An Act to prevent the further issue of Treasury Certificates would respectfully report that they have had the same under consideration and herewith return the same without recommendation.

Baldwin
chairman

Also the following:

Senate Chamber
Little Rock May 25th 1874

Mr. President — Your committee on Finances to whom was referred Senate Bill No. 14 A bill to be entitled An Act to repeal Sec. 113 of the Revenue Act of 1873 entitled An Act Regulating the assessment and collection of Revenue, would respectfully report that they have had the same under consideration and herewith return the same without recommendation.

Baldwin
chairman

Senator Hooks as chairman of the Committee on Counties and County lines presented the following report:

Senate Chamber
Little Rock May 25th 1874

Mr. President — Your committee on Counties and County lines to whom was referred Senate Bill No. 17 by leave to report that they have had the same under consideration and recommend herewith an substitute therefor and recommend its passage.

Hooks
chairman

Which was read & received.

Senator Hooks asked for leave of absence for Senator Coit on account of illness.

Which was granted.

On motion of Senator Simmons the Senate proceeded to the consideration of House Joint Resolution No. 6 entitled a resolution requesting Powell Clayton and Stephen W. Dorsey to resign.

Which was read the first time.

And under a suspension of the rules was read the second time by title, and referred to the committee on Federal Relations.

A message was here received from the House of Representatives as follows:

Hall of House of Representatives
Little Rock Ark May 25th 1874

Mr. President – I am instructed by the House of Representatives to inform your honorable body of the passage by the House of Substitute for House Bills No. 70 & 64 entitled an act authorizing the issuance of bonds for the payment of the expenses of the Militia and present General Assembly and the appropriation and disbursement of the same which is herewith respectfully transmitted for your favorable consideration

Chas. C. Reid
Clerk

Senator Brown called up Substitute for House Bills No. 70 & 64, entitled an act authorizing the issuance of Bonds for the payment of the expenses of the Militia and the present General Assembly

Which was read the first time.

And under a suspension of the rules was read the second time by title, and referred to the Committee on Finance.

Senator Parrans offered the following resolution.

Resolved – That the committee on Federal Relations be instructed to furnish this body with evidence to substantiate the charges made in their joint Resolutions calling for the resignation of Senators Clayton and Dorsey

Which was lost.

A message was here received from the House of Representatives as follows.

Hall of House of Representatives
Little Rock Ark May 25th 1874

Mr. President – I am instructed by the House of Representatives to inform your honorable body of the passage by the House of H.B. No. 73 an act entitled an act making appropriation to supply deficits in the State Departments which is herewith respectfully transmitted for your favorable consideration

Chas. C. Reid
Clerk

Senator Dunagin as chairman of the committee on Internal Improvements presented the following report

Mr. President – Your committee on Internal Improvements to whom was referred House Bill No. 97 entitled an act to protect the public and private levees have had the same under consideration and have instructed me to report the same back to the Senate and recommend its passage

Dunagin
Chairman

Senator Jones called up Senate Bill No. 24 entitled an act authorizing the funding of the debt of the City of Little Rock.

Which was read the third time and passed upon its final passage

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were: Arthur Beamer Belden Brown Dawson Dutcher Frisbee Jones Lansing McChesney Pollard Ratcliffe Sayre Scott & Travers — 15.

In the negative Senator Hawes — 1.

Excused from voting were Senators Burr & Dunagan

So the bill passed.

~~On motion of~~ Senator Ratcliffe moved that the vote just taken be reconsidered and the motion to reconsider was laid on the table.

On motion of Senator Brown the Senate went into Executive Session.

Upon reassembling on motion of Senator Travers the Senate adjourned.

H. H. Orrick
Secretary

W. W. Smith
President

Senate Chamber
Tuesday May 26th 1874.

The Senate met at 10 o'clock Lt. Gov. V. V. Smith in the chair.

The Secretary called the roll when the following Senators answered to their names: Arlow Beavers Baldwin Brown, Bunn, Dawson Dinsmore Duke Frierson Hamlin Jones Lovejoy McCabe McChesney Pollard Ratcliffe Searcy Smith State Torans and White. quorum present

Prayer by the Chaplain

The Journal of yesterday was read and approved

A Message was received from the House of Representatives as follows:

Hall of House of Representatives
Little Rock Ark May 26th 1874

Mr. President – I am instructed by the House of Representatives to inform your honorable body of the passage by the House of Senate Bill No 15 entitled an Act supplementary to and amendatory of an act entitled an Act providing for a convention of the people of the State of Arkansas to frame a new Constitution approved May – 1874 with the following amendments:

Strike out the first three lines in Sec. 1. and insert in lieu thereof the words "That all Judges of this State are prohibited from".–

Strike out in Section 4 the words "Five Dollars" and insert in lieu thereof the words "Two Dollars".

Strike out Section 5.

Which is herewith respectfully transmitted for your favorable consideration.

Chas. C. Reid Jr
Clerk

A Message was received from the Governor as follows:

Executive Office.
Little Rock Ark May 26th 1874

To the Senate of Arkansas
Gentlemen

I have signed and approved the following Senate Bills viz: Substitute to Senate Bill No. 3 entitled an Act providing the mode of changing the county line of Clayton County; also an Act to change the terms of holding the terms of the Supreme Court of the State of Arkansas; Also an Act directing the Auditor of State to draw his warrant on the Treasurer for the payment of the legal advertising done by the official Journals of the State; Also an Act authorizing the Governor to fill vacancies pro tempore in cases of impeachment; all of which are herewith returned.

Elisha Baxter
Governor of Arkansas

Senator Ratcliffe presented the petition of certain citizens of Pulaski County in reference to changing the county lines

Which was read the first time

Leave under a suspension of the rules was read the second time by title and referred to the Committee

on Counties and County lines.

Senator Scott gave notice that he would at an early day introduce a bill by which the boards of Supervisors of the Counties of Pope Newton and Boone may be authorized under certain restrictions if deemed advisable to issue the Bonds of their respective counties to aid in the construction of a public road and the construction of bridges from Russellville in Pope County through Dover, Caw City, Lamar and to the town of Harrison in Boone County and for other purposes.

Senator Ratcliffe moved that the committee on elections be requested to report on the Petition of P. H. Wheatly contestee.

Which was not agreed to.

Senator Hauks as chairman of the committee on Counties & County lines presented the following report.

Mr. President — Your committee on Counties and County lines to whom was referred House Bill No. 30 have had the same under consideration and recommend the becoming as a Substitute

Hauks
Chairman.

Which was read and received.

Senator Belden on behalf of the Majority of the Committee on Judiciary presented the following report on Senate Bill No. 22.

Senate Chamber
Little Rock May 26th 1874.

Mr. President — Your Committee on Judiciary to whom was referred Senate Bill No. 22 an act to abolish the Criminal Court of Phillips County, have had the same under consideration and a majority of your committee herewith return the same without recommendation

Belden
Chairman

Senator Brown presented the following minority report of the Committee on the Judiciary to whom was referred Senate Bill No. 22.

Mr. President — The undersigned a minority of your committee on Judiciary to whom was referred Senate Bill No. 22, an act to abolish the Criminal Court of Phillips County begs leave to differ with the report of the majority "that the bill be reported back without recommendation"; — I am satisfied that this court is an unnecessary expense on said County of Phillips; that the Circuit Court can try all cases in that County; The Circuit is small and there is no want of time; I am satisfied this court was created for the especial benefit of a "pet" of the "ring"; that this court would have been abolished at the last session of the General Assembly but for the fact that it would have interfered with said "pet". It should have been abolished when the Criminal Court of Jefferson County was abolished I recommend the bill do pass. Respectfully submitted

B. L. Brown

Senator Baldwin as chairman of the committee on the Judiciary also presented the following report:

Senate Chamber

Little Rock May 26th 1874.

Mr. President – Your committee on Judiciary to whom was referred Senate Bill No. 12 a bill to be entitled an act to make rail road companies responsible for stock killed by their trains, have had the same under consideration and herewith return the same, a majority of the committee recommending it do not pass

Baldwin

Chairman

Also the following:

Mr. President – Your committee on Judiciary to whom was referred Senate Bill No. 19 an act supplemental to an act providing for a constitutional convention of the people of the State of Arkansas to frame a new constitution, have had the same under consideration, and herewith return the same without recommendation

Baldwin

Chairman

Senator Baldwin as chairman of the committee on Enrolled Bills presented the following report:

Senate Chamber

Little Rock May 26, 1874.

Mr. President – Your committee on Enrolled Bills have found correctly enrolled Substitute for Senate Bill No. 8 an act to authorize the Governor to fill vacancies pro tempore in case of impeachment and have presented the same to the Speaker of the House of Representatives and the President of the Senate and delivered the bill to the Governor this day and herewith return the original bills to the Senate.

Baldwin

Chairman.

Senator McChesney as chairman of the committee on Education presented the following report:

Senate Chamber

Little Rock May 26th 1874.

Mr. President – Your committee to whom was referred H.B. No. 72 by leave to report that they have had the same under consideration and recommend its passage with the following amendment to wit: That wherever the name of H.C.C. Batchelor occurs, the name of James McJohnson be substituted

McChesney

Chairman.

Which was read and received:

Senator Pollard as chairman of the committee on Appropriations presented the following report:

Mr. President – Your committee to whom was referred Senate Bill No. 28 have had the same under consideration and instruct me to report the same back to the Senate and recommend its rejection

Pollard

Chairman.

Which was read and received.

Senator Baldwin asked leave introduced a bill entitled An Act to define the duties of circuit clerks.

Which was read the first time.

And under a suspension of the rules was read a second time by title and referred to the Judiciary Committee

Senator Duke desired leave to introduce a bill

When Senator Parrano rose to a point of order that no bill could be introduced during the last three days of the session, except by unanimous consent

And the President deciding that it was within three days of the end of the session

Senator Ratcliffe appealed from the decision of the chair claiming that the session did not end on Thursday the 28th of May but continued to the first of December

The question then being shall the decision of the chair stand as the judgement of the Senate and yes not voting in the negative, the chair was sustained

Senator Duke then desired leave to introduce a bill

When Senator Sawyer objected.

Senator Hawkes called up Substitute for House bill No: 38 entitled An Act to create the County of Poinsett and for other purposes, and moved the adoption of the Substitute

Which was agreed to

The substituted bill was then read the first time

And under a suspension of the rules was read the 2d time by title and referred to the Committee on Counties and County lines.

A communication was here announced from the House of Representatives in the impeachment case of John McClure. The chairman of the Committee read the following articles of impeachment:

Articles exhibited by the House of Representatives of the State of Arkansas in the name of themselves and all the People of said State, against John McClure as Chief Justice of the Supreme Court of the State of Arkansas, in maintainance and support of their Impeachment against him for High Crimes and Misdemeanors in Office.

Article 1.

That the said John McClure being Chief Justice of the Supreme Court of the State as aforesaid, did heretofore to wit: on the 15th day of April 1874 at the County of Pulaski in said State, being unmindful of the high duties of his said office, his oath of office, and of the requirements of the Constitution and Laws of said State, combine and conspire with one Joseph Brooks in armed insurrection against the lawfully constituted Government of said State, and did then and there levy war against the said State of Arkansas, contrary to the constitution and laws of said State; whereby the said John McClure did

then and there commit, and was guilty of, a high crime in office.

Article 2.

That the said John McClure being the chief Justice of the Supreme Court of the State, as aforesaid, did heretofore, to wit, on the day of 1874, at the County of Pulaski, in said State, being unmindful of the high duties of his said office, of his oath of office, and of the ~~requirements~~ of the Constitution and laws of said State, combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted authority and Government of said State, and did then and there advise, encourage, giving them aid and comfort, contrary to the Constitution and laws of said State. Whereby the said John McClure, did then and there commit, and was guilty of, a high crime in office.

Article 3.

That the said John McClure, being chief Justice of the Supreme Court of the State as aforesaid did, heretofore, to wit: on the 15th day of April 1874 at the County of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the requirements of the Constitution and the laws of said State, unlawfully and feloniously conspire with one Joseph Brooks, and other evil disposed persons by force to usurp the Government of the State, and did make frivolous attempts to accomplish the said illegal purpose, contrary to the Constitution and laws of said State, and in violation of an Act of the General Assembly of said State, entitled An Act to punish usurpation in office, approved February 27th 1873 Whereby the said John McClure did then and there commit, and was guilty ~~the~~ of, a high crime in office

Article 4.

That the said John McClure being Chief Justice of the Supreme Court of the State, as aforesaid, did heretofore, to wit on the 15th day of April 1874, at the County of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office and of the requirements of the Constitution and laws of said State, conspire with one Joseph Brooks, and other evil minded persons, to overturn the government of said State, and made aforesaid attempt to accomplish the purpose aforesaid, contrary to the Constitution and laws of said State, and in violation of an Act of the General Assembly of said State, entitled An Act to punish usurpation in office, approved February 27th 1873, whereby the said John McClure did then and there commit, and was guilty of, a high crime in office.

Article 5.

That the said John McClure being the chief Justice of the Supreme Court of the State as aforesaid did, heretofore, to wit: on the 15th day of April 1874 at the County of Pulaski in said State, being un-

mindful of the duties of his said office, of his oath of office and of the requirements of the Constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other evil minded persons to usurp the office of Governor of said State, and the Executive Department thereof and for the said usurped purpose levied war on said State, contrary to the laws and constitution of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office, approved February 27th 1873, whereby the said John McClure did then and there commit and was guilty of a high crime in office.

Article 6.

That the said John McClure being Chief Justice of the Supreme Court of the State aforesaid, did heretofore, to wit: on or about the 7th day of May AD 1874 at the County of Pulaski in said State, being unmindful of the duties of his said office, of his oath of office and of the requirements of the constitution and laws of said State, unlawfully and feloniously conspire, combine and contrive with one Joseph Brooks and other evil minded persons by fraudulently and corruptly rendering a decision and making a judgment in favor of and to the benefit of said Joseph Brooks and the evil persons with him therein interested, contrary to the laws and constitution of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office approved February 27th 1873 whereby the said John McClure did then and there commit, and was guilty of a high crime in office.

Attest:
Chas C Reid Jr
Clerk of House of Representatives.

James A Berry
Speaker of House of Representatives of Arkansas

The President of the Senate responded that the Senate would take due notice of the same and notify the House of Representatives accordingly.

A committee was then announced from the House of Reps. in the impeachment case of Stephen Wheelen, when the chairman read the following articles of impeachment:

Articles exhibited by the House of Representatives of the State of Arkansas, in the name of themselves and all the people of said State, against Stephen Wheelen as Auditor of the State of Arkansas in maintenance and support of their impeachment against him for high Crimes and Misdemeanors in office.

Article 1.

That the said Stephen Wheelen being Auditor of the State as aforesaid, did heretofore to wit on the 15th day of April 1874, at the County of Pulaski in said State being unmindful of the high duties of his said office, of his oath of office, and of the requirements of the Constitution and laws of said State combine and conspire with one Joseph Brooks in armed

insurrection against the lawfully constituted Government of said State, and did then and there levy war against the said State of Arkansas contrary to the Constitution and laws of said State, whereby the said Stephen Wheelen as auditor aforesaid did then and there commit, and was guilty of, a high crime in office.

Article 2.

That the said Stephen Wheelen being auditor of the State, as aforesaid, did heretofore, to wit: on the day of 1874 at the county of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the constitution and laws of said State, conspire and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted authorities and government of said State, and did then and there adhere to its enemies, giving them aid and comfort contrary to the constitution and laws of said State whereby the said Stephen Wheelen did then and there commit, and was guilty of, a high crime in office.

Article 3.

That the said Stephen Wheelen being auditor of the State, as aforesaid, did, heretofore, to wit on the 15th day of April 1874 at the county of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the requirements of the Constitution and the laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other willy disposed persons by force to usurp the government of the State, and did make fruitless attempts to accomplish the said illegal purpose contrary to the constitution and laws of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office, approved February 27 - 1873 whereby the said Stephen Wheelen did then and there commit, and was guilty of, a high crime in office.

Article 4.

That the said Stephen Wheelen being auditor of the State, as aforesaid, did heretofore to wit, on the 15 day of April 1874 at the county of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the requirements of the Constitution and laws of said State, conspire with one Joseph Brooks and other wilminded persons, to overturn the government of said State, and made a fruitless attempt to accomplish the purpose aforesaid, contrary to the constitution and laws of said State, and in violation of an act of the General Assembly of said State, entitled an act to punish usurpation in office, approved February 27th 1873 whereby the said Stephen Wheelen did then and there commit, and was guilty of, a high crime in office.

Article 5.

That the said Stephen Wheelen being auditor of the State, as aforesaid, did, heretofore, to wit on the 15th day of April 1874 at the county of Pulaski in said

State, being unmindful of the duties of his said office of his oath of office and of the requirements of the constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other evil minded persons to usurp the office of Governor of said State and the Executive Department thereof and for the said illegal purpose did unlawfully and feloniously conspire with one Joseph Brooks and other evil minded persons to overturn and overthrow the lawful State Government by fraudulently issuing his warrants as said Auditor to the amount of fifty thousand dollars upon the order or certificate of said fraudulent Brooks to the Treasurer of said State for the benefit of said usurpation and thus intervene therein, contrary to the laws and constitution of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office, approved February 27th 1873. whereby the said Stephen Wheeler did then and there commit, and was guilty of, a high crime in office

Article 6.

That the said Stephen Wheeler being Auditor of the State aforesaid, did heretofore, to wit: on or about the 22d day of April AD 1873 at the County of Pulaski in said State being unmindful of the duties of his said office of his oath of office and of the requirements of the constitution and laws of said State unlawfully and feloniously combine and conspire with one Joseph Brooks and other evil minded persons to overturn and overthrow the lawful State Government by fraudulently issuing his warrants as said Auditor to the amount of fifty thousand dollars upon the order or certificate of said fraudulent Brooks to the Treasurer of said State for the benefit of said usurpation and thus intervene therein, contrary to the laws and constitution of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office approved February 27th 1873 of whereby the said did then and there commit and was guilty of a high crime in office.

Attest:
Chas E. Reid Jr.,
Clerk of the House of Representatives

James H Berry
Speaker of the House of Representatives of Arkansas

Senator Freeman moved that a committee of three be appointed to draft rules for the government of the impeachment

Which was agreed to

And the President appointed as such committee Senators Freeman Brown & Beavers

The Special order of the day being the consideration of Senate Bill No. 2 entitled an act to redistrict the State for Congressional purposes, it was taken up

The question occurring on the adoption of the minority report, and the ayes & noes being called for, the following Senators voted in the affirmative: Askew Beaver Brown Burn Freeman Jones McLean McChesney Ratcliffe & Scott — 10

In the negative Senators Belden Dunagin Duke Hunter Langley Pollard Sanger Torreyson & White — 9

So the minority report was adopted.

Senator Torrance moved that the further consideration of the bill be postponed until tomorrow at 10 o'clock

Which motion was lost.

The question then recurring upon the consideration of the bill, it was read the first time.

And under the suspension of the rules was read the second time by title.

Senator Brown moved that the rules be suspended in order that the bill might be read the 3d time by title and passed upon its final passage.

The ayes & noes being called for the following Senators voted in the affirmative: Aiken Beaver Brown Burn Freeman Jones McCabe Pollard Ratcliffe & Scott - 10

Those voting in the negative were: Belden Dunagan Dunsmoor Hawks Lovejoy McChesney Sawyer Torrance & White - 9

So the rules were not suspended.

The special order of the day being the consideration of House Joint Resolution No. 2 entitled A Resolution tendering thanks to the Hon. W. W. Westine, it was read the third time and passed upon its final passage.

The question being shall the resolution pass it was decided in the affirmative.

Those who voted in the affirmative were Senators: Aiken Beaver Brown Dunagan Duke Hawks McChesney Pollard Ratcliffe Scott & White - 11

Those voting in the negative were Belden Burn Dunsmoor Freeman Jones Lovejoy McCabe Sawyer & Torrance - 9

Senator Belden when his name was called gave the following explanation of his vote:

Mr. President Recognizing that the funds assisted in the resolution even if true entitled Mr. Westine to a special thanks from the people of this State. he thereby ~~[illegible]~~ having simply done his duty ~~[illegible]~~ I vote "No"

Belden.

The special order of the day then being the consideration of House Joint Resolution No 8 entitled A Resolution tendering the thanks of the General Assembly to U. S. Grant, President

It was taken up

Senator Dunsmoor moved to insert after the name of U. S. Grant the name of Geo. H. Williams

And upon his motion called for the ayes and nays - The call being sustained

The following Senators voted in the affirmative: Dunsmoor and Lovejoy - 2

In the negative Senators Aiken Beaver Belden Brown Burn Dunagan Duke Freeman Hawks Jones McCabe McChesney Pollard Ratcliffe Sawyer Scott Torrance & White - 18.

So the motion was lost.

The resolution was then read the third time and passed upon its final passage

The question being shall the resolution be adopted it was decided in the affirmative

Those Senators who voted in the affirmative were: Aiken Beaver Brown Burn Dunagan Duke Freeman

Jones, McCaleb McCheney Pollard Ratcliffe Scott White — 14

In the negative Senators Baldwin Dawson Hayes Lovejoy Sawyer & Torrance — 6.

So the resolution passed.

Senator Baldwin when his name was called waived the right to file an explanation of his vote.

Senator Dawson also when his name was called waived the right to file an explanation of his vote.

~~Mr President~~ Senator Fairchild moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Then on motion of Senator Dawson the Senate took a recess until 8 o'clock P.M.

Senate Evening Session
May 26th 1874.

Senator Brown called up House bill No. 92 entitled An Act in reference to the Arkansas Industrial University

And the question being on the adoption of the amendment reported by the committee, they were adopted.

The Bill as amended was then on motion of Senator Jones recommitted to the committee on Education.

Senator Torrance called up Senate Bill No. 20 entitled An Act to prevent the further issue of Treasurers Certificates

Which on motion of Senator Brown was recommitted to the Committee on Finance.

Senator ~~Fairchild~~ introduced the following resolution.

Resolved That at half past twelve o'clock P.M. on the first Monday in December next the same being the seventh day of that month the Senate of the State of Arkansas will proceed to consider the impeachment of John McClure, Chief Justice of the State of Arkansas, at which time the oath or affirmation required by the rules of the Senate sitting for the trial of an impeachment shall be administered by the president of the Senate as the presiding officer of the Senate sitting as aforesaid to each Member of the Senate, and that the Senate sitting as aforesaid, will at the time aforesaid receive the Managers appointed by the House of Representatives.

Ordered That the Secretary lay this resolution before the House of Representatives

Ordered That the articles of impeachment exhibited against John McClure Chief Justice of the State of Arkansas be printed.

Ordered That a copy of the rules of procedure and practice in the Senate when sitting on trial of impeachments be communicated by the Secretary to the House of Representatives and a copy thereof delivered by him to each member of the House.

L. A. Fairchild

Which was adopted.

also the following:

Resolved - That at half past one o'clock p.m. on the first Monday in December next, the same being the Seventh day of that month, the Senate of the State of Arkansas, will proceed to consider the impeachment of Stephen Wheeler Auditor of the State of Arkansas, at which time the oath or affirmation required by the rules of the Senate sitting for the trial of an impeachment, shall be administered by the President of the Senate, to the presiding officer of the Senate, sitting as a court, to each member of the Senate, and that the Senate sitting as aforesaid, will at the time aforesaid receive the Managers appointed by the House of Representatives. Ordered that the Secretary lay this resolution before the House of Representatives.

Ordered That the articles of impeachment, exhibited against Stephen Wheeler, Auditor of the State of Arkansas, be printed.

Ordered, That a copy of the rules of proceedings and practice in the Senate when sitting on trial of impeachments, be communicated by the Secretary to the House of Representatives, and a copy thereof delivered by him to each member of the House.

J. G. Fairchild.

Which was adopted.

Senator Baldwin submitted the following explanation of his vote on H. J. R. No. 8:

Mr. President - In explanation of my vote on this resolution I desire to say: that I am utterly opposed to this clap of "buncombe" This voting the expressive thanks of a people to one of their servants for simply doing his duty. The rest of the resolution did it stand alone upon its own merits I would heartily endorse and support, especially that portion inviting capital and emigration to come amongst us, believing as I do, that as soon as the smoke and war clouds of the past six weeks are rolled back from our political horizon by the era of good feelings growing out of the peoples Government, framed and set in motion by their delegates soon to assemble for that purpose, that the untold resources of Arkansas, will present a safer more lucrative and more pleasant field for investment and home for enterprise than amongst any other part of our country - But when coupled with the first part of the resolution I am constrained to vote "no". Baldwin,

Senator Brown offered the following resolution:

Resolved That the finance committee be instructed to report back to the Senate by half past ten o'clock to morrow a substitute for House Bill No 70 to an act to authorize the issue of Bonds to pay the expenses of the late insurrection and the extra session of the General Assembly and to provide the manner of paying out the same

Which was adopted.

Senator Brown called up Senate Bill No 22 entitled An act to abolish the Criminal Court of Phillips County

Senator Jarrard moved to amend by inserting Pulaski County.

Which was not agreed to

The Bill was then read the third time and placed upon its final passage

The question being shall the bill pass it was decided in the negative

Those who voted in the affirmative were, Senators Brown Dunn Jarrard Pollard and Stolte 7

Those who voted in the negative were, Baldwin Brown Dawson Hanks Jones Lamoy McCain Rutledge Sawyer & Jarrard — 10

So the bill was lost.

Senator Dawson moved that the vote just taken be reconsidered and the motion to reconsider be laid on the table

Which was agreed to.

Senator Jarrard called up Senate Bill No. 19 entitled An act supplementary to an act for a convention of the people of the State to frame a new constitution

Senator Brown moved to amend by adding the County of Crawford

Which was agreed to

Senator Duke moved to amend by adding the County of Drew

Which amendment was lost

Then on motion of Senator Jarrard the Bill was ordered engrossed for a third reading and made the special order of the day for tomorrow at 10½ o'clock

Senator Carter called up House Bill No. 43 entitled An act to relieve the purchasers of School lands.

Which was read the first time.

And under a suspension of the rules was read the second time by title and referred to the committee on Education

Senator Baldwin as chairman of the Committee on Judiciary presented the following report:

Senate Chamber
Little Rock May 26th 1874

Mr. President Your committee on Judiciary to whom was referred Senate Bill No 29 An act defining the duties of Circuit Clerks, have had the same under consideration and herewith return the same recommending that it pass ~~without amendment~~

Baldwin
Chairman

Senator Carter in behalf of the majority of the Committee on Judiciary presented the following report.

Mr. President - The undersigned a majority of the committee on Judiciary have had under consideration an act entitled an act defining the duties of circuit ~~Court~~ clerks and recommend that the same be repealed.

B. F. Carter
H. G. Brown
Richd A. Dawson
J. G. Brown

Senator Baldwin also as chairman of the Committee on Judiciary presented the following report:

Senate Chamber
Little Rock May 26th 1874

Mr. President - Your committee on Judiciary to whom was referred Senate Bill No. 24, a bill to be entitled an act to suspend the Real Estate Bank laws and for other purposes, would respectfully report that they have had the same under consideration and herewith return the same recommending it do not pass.

Baldwin
Chairman

A Message was here received from the House of Representatives as follows:

Hall of House of Representatives
Little Rock Ark May 26th 1874

Mr. President - I am instructed by the House of Representatives to inform your honorable body of the passage of the (H.B. 40) an act to establish supervision of Insurance Companies by the Secretary of State and for other purposes: also, Substitute for House Bill No. 36 an act to provide for the reassessment of the Real Estate of the several Counties of the State of Arkansas: also, H.B. 39 an act entitled an act to provide for the cancellation of State Scrip and destruction of the same: also Substitute for H.B. No. 38 entitled an act of pardon and amnesty which are herewith transmitted for your favorable consideration.

Chas. C. Reid jr
Clerk

Senator Baldwin as chairman of the committee on Judiciary presented the following report

Senate Chamber
Little Rock May 26 1874

Mr President - Your committee on Judiciary to whom was referred Senate Bill No. 27, an act to provide for appeals from judgments of Probate courts rendered prior to giving jurisdiction to circuit courts, have had the same under consideration and herewith return the same recommending that it pass.

Baldwin
Chairman

Senator Brown called up Senate Bill No. 15 entitled an act supplementary to and

amendatory of law act providing for a convention of the people to frame a new constitution

Senator Belden moved that the senate concur in the amendments of the House of Representatives

And the ayes & nays being called the following Senators voted in the affirmative: Messrs Belden Brown Bunn Dawson Dunagan Freeman Hanks Pollard Sawyer and Scott — 11

In the negative Senators Arthur Dale Jones Lovejoy McCabe Rutcliffe & Torrance — 7

So the amendments were concurred in.

~~Reconsideration of~~ Senator Dawson moved that the vote first taken be ~~now~~ reconsidered and the motion to reconsider was laid upon the table

Senator Rutcliffe offered the following resolution

Resolved That the committee on Counties and County lines be instructed to report back House bill entitled An act to remove the county seat of Prairie county, to-morrow morning at 10 o'clock.

Which resolution was lost.

Then on motion of Senator Torrance the Senate adjourned.

H. H. Orrick
Secy

V. V. Smith
President.

Senate Chamber
Wednesday May 27th 1874.

The Senate met at 10 o'clock, The ~~President~~ Lieutenant Governor O. V. Smith in the Chair

The Secretary called the Roll when the following Senators answered to their names: Carter Bilodin Brown Burns Burns Dawson Dunagin Dike Finney Harris Jones Lovejoy McCabe McChesney Pollard Ratcliffe Sawyer Scott Towns & White - 20.

Quorum present

Prayer by the Chaplain

The journal of yesterday was read and approved.

Senator Ratcliffe moved that the committee on elections be compelled to report by 12 o'clock today the petition of P. H. White for the action of the Senate.

Which was agreed to.

Senator Brown offered the following resolution:

Resolved That Senators Scott Burns and McChesney be and they are hereby appointed a committee to remain at the Capitol and supervise the Engrossment of Bills and examine journals &c until the same are completed who shall be entitled to their regular per diem for the time they remain here in the discharge of said duties

Which was agreed to

Senator Bilodin as chairman of the committee on Engrossed bills presented the following report:

Mr. President - Your committee on Engrossed Bills have found correctly engrossed Senate Bill No. 19.

Bilodin
Chairman

Senator Bilodin as chairman of the committee on Finance presented the following report:

Mr. President - Your committee on Finance to whom was referred House Bill No. 72 An act authorizing the issuance of Bonds for the payment of the expenses of the Militia and the present General Assembly and the appropriation and disbursement of the same have considered the same and recommend its passage.

Bilodin
Chairman

Which was read and received

Senator McChesney as chairman of the committee on Federal relations presented the following report:

Senate Chamber
Little Rock May 27th 1874.

Mr. President - Your committee to whom was referred House Joint resolution No. 6 requesting Senators Purell Clayton and Stephen M. Dorsey to resign, beg leave to report the accompanying substitute, and recommend the passage of said substitute.

McChesney
Chairman

Which was read and received.

Senator Bilodin as chairman of the committee on Judiciary presented the following report:

Senate Chamber
Little Rock 27th May 1874

Mr. President — Your committee on Judiciary to whom was referred Senate Bill No. 5, A Bill to be entitled an act to grant pardon and amnesty to persons engaged in the late insurrection and armed hostility against the lawful government of the State, have had the same under consideration and herewith return a substitute to the same and recommend its passage.

Baldwin
Chairman

also the following:

Senate Chamber
Little Rock May 27 1874

Mr. President — Your committee to whom was referred H. B. 7 an act with reference to the Arkansas Industrial University, ete. with amendment that the name of Harris Flanagin be substituted for A. M. Dinsmore, return the same and recommend that said amendment be rejected.

Baldwin
Chairman

Which was read and received.

Senator Brown on behalf of a majority of the committee on Counties and County lines presented the following report.

Mr. President — The undersigned a majority of the committee on Counties and County lines have had under consideration House bill No. 33 A bill to be entitled to remove the County seat of Prairie County and recommend that it pass.

B. J. Brown
B. B. Beavers
B. F. Carter

Which was read and received.

Senator Hewitt as chairman ~~of the~~ of the committee on Counties and County lines presented the following report.

Mr. President: Your Committee on Co. & Co lines beg leave to report that they have not sufficiently considered Sub for H B 33 referred to them and pray that in view of the adjournment to morrow they be granted until the first monday in December 1874 to place before the Senate their views in regard to it.

Hewitt
Chairman.

which was read and received

Senator Freeman as chairman of the committee to prepare rules etc for impeachment presented the following report.

Mr. President: Your Special Committee appointed to prepare rules of procedure and practice in the Senate, when sitting on a trial of impeachment beg leave to report the accompanying rules and recommend the passage thereof.

J. R. Freeman
Chairman

Rules of Procedure and Practice in the

Senate when sitting as a court of impeachment.

Rule 1.

The managers of impeachment shall be introduced at the bar of the Senate by the Sergeant at arms, and when introduced, shall signify that they are ready to exhibit articles of impeachment, upon which an announcement being made the presiding officer of the Senate shall direct the Sergeant at arms to make proclamation; who after making proclamation shall repeat the following words: "All persons are commanded to keep silence on pain of imprisonment while the House of Representatives is exhibiting to the Senate of the State of Arkansas articles of impeachment against ——

After which the articles shall be exhibited and the presiding officer of the Senate shall inform the managers the Senate will take proper order on the subject of the impeachment of which time and notice shall be given the managers and House of Representatives

Rule 2.

Upon such articles being presented to the Senate, the Senate shall at such time as may be appointed, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless the Senate shall otherwise order) until final judgment shall be rendered, and so much longer as in the judgment of the Senate may be needful. Before proceeding to the consideration of the articles of impeachment, the presiding officer shall administer the oath hereinafter provided, to the members of the Senate then present, provided there shall be a quorum, and to the other members of the Senate as they shall appear whose duty it shall be to take the same.

Rule 3.

When the Governor of the State or the Lieutenant Governor upon whom the powers and duties of the office of Governor shall devolve, or any other officer of the State shall be impeached the Chief Justice of the Supreme Court of the State of Arkansas shall preside except in case of articles of impeachment being prosecuted against the Chief Justice and in such case it shall be the duty of the presiding officer of the Senate, to forthwith notify the Governor of such fact, with the request that a Chief Justice be appointed to preside at the trial of the Chief Justice. Notice shall be given to the Chief Justice, or the person acting as such, by the presiding officer of the Senate when so ordered by the Senate of the time and place fixed for the consideration of the articles of impeachment, with a request to attend, and the Chief Justice or the person acting as such, shall preside over the Senate during the consideration of such articles, and upon the trial of the person impeached therein.

Rule 4.

The presiding officer shall have power to make and issue, by himself, or the Secretary of the court of impeachment, all orders, mandates, writs and processes

authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

Rule 5.

The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts and judgments, to preserve order, and to punish in a summary way, contempts of and disobedience to its authority, orders, mandates, writs, precepts or judgments, and to make all lawful orders, rules and regulations which it may deem essential or conducive to the ends of justice.

Rule 6.

The presiding officer of the Senate, shall direct all necessary preparations in the Senate Chamber, and the presiding officer on the trial shall direct all forms of proceeding while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise provided for. The presiding officer may in the first instance, submit to the Senate without a division, all questions of evidence, and incidental questions; but the same, on the demand of one third of the whole number of the Senate, shall be decided by yeas and nays.

Rule 7.

Upon the presentation of the articles of impeachment and the organization of the Senate as herein before provided a writ of summons shall issue to the accused reciting said articles and notifying him to appear before the Senate upon a day and a place to be fixed by the Senate and named in such writ, and file his answer or plea to said articles of impeachment, and to stand and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept therein, either by the delivery of an attested copy thereof to the person accused, or if that cannot be conveniently be done, by leaving such copy at the place of last known abode of such person, or at his usual place of business in some conspicuous place therein. If the accused after service, shall fail to appear, either in person or by attorney on the day so fixed therein as aforesaid, or appearing shall fail to file his answer or plea to said articles of impeachment, the trial shall proceed nevertheless as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be rendered thereon without further proceeding.

Rule 8.

At the time appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the presiding officer of the Senate shall administer an oath to the returning officer in the following form: I — — — do solemnly swear that the return made by me upon the process issued on the — day of — by the Senate of the State of Arkansas, against — — is truly made and that I have performed such service as therein prescribed.

so help me God; which oath shall be entered at length on the records.

Rule 9.

The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent, or attorney; naming the person appearing, and the capacity in which he appears. If he do not appear by himself or agent or attorney, the same shall be recorded.

Rule 10.

At the time appointed for the trial of an impeachment the legislative and executive business of the Senate shall be suspended, and it shall be the duty of the Managers on the part of the House of Representatives to appear at said time and place and prosecute said articles of impeachment; and if said managers shall fail to appear and prosecute said articles of impeachment at the time appointed the accused shall be entitled to a verdict of acquittal.

Rule 11.

When the hour of sitting shall arrive, the presiding officer of the Senate shall so announce, and thereupon the presiding officer on such trial shall cause proclamation to be made, and the business of trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment, the Senate shall resume the consideration of its executive and legislative business.

Rule 12.

The Secretary of the Senate shall record the proceedings in cases of impeachment, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

Rule 13.

Counsel for the accused shall be admitted to appear and be heard upon an impeachment.

Rule 14.

All motions made by the managers, or the counsel for the accused, shall be addressed to the presiding officer and if he or any Senator shall require it, it shall be committed to writing and read at the Secretary's table.

Rule 15.

Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

Rule 16.

If a Senator is called as a witness, he shall be sworn and give his testimony standing in his place.

Rule 17.

If a Senator wishes a question to be put to a witness or to offer a motion or order (except a motion to adjourn) it shall be reduced to writing, and put by the presiding officer.

Rule 18.

At all times while the Senate is sitting upon the trial of an impeachment, the doors of the Senate shall be kept open, unless the Senate shall otherwise direct.

Rule 19.

All preliminary or interlocutory questions, and all motions shall be argued but not exceeding ten minutes on each side, unless the Senate by order, shall extend the time.

Rule 20.

The case on each side shall be opened by one person. The final argument on the merits may be made by two persons on each side, but such arguments shall not exceed thirty minutes to each person unless the Senate shall, by order extend the time. The argument shall be opened and closed on the part of the House of Representatives.

Rule 21.

On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately. If the impeachment shall not be sustained by the votes of two-thirds of the members elected to said Senate a judgment of acquittal shall be entered; but if the person accused shall be convicted on any of said articles of impeachment by the votes of two-thirds of the members elected to the Senate the Senate shall proceed to pronounce judgment, and a certified copy of said judgment shall be deposited in the office of the Secretary of State.

Rule 22.

All orders shall be made by yeas and nays and entered on the record. All decisions at the request of five members, shall be had by yeas and nays, and shall be entered on the record. All orders and decisions shall be made and had without debate, except when the doors shall be closed for deliberation, and in that case no member shall speak more than ten minutes on one question. On the final vote each member may be allowed ten minutes to explain his vote. A motion to adjourn may be decided without the yeas and nays, unless they be demanded by five members.

Rule 23.

If the Senate at any time, fail to sit for the consideration of articles of impeachment, on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

Rule 24.

The summons to be delivered to the accused, and the summons issued for witnesses, shall be, as near as practicable, to the forms laid down in Sections 3167 & 3168, of the rules adopted by the Senate of the United States in the impeachment of Andrew Johnson.

Rule 25.

All questions arising as to the competency or relevancy of evidence, shall be decided by the Chief Justice, or person acting as such; but on the demand of one-third of the members elected to the Senate, a vote shall be had by yeas and nays, as to the question of competency or relevancy of the evidence offered.

Rule 26.

The Senate may without debate, extend the time in which to answer or plead, when, in its opinion, the

accused has not had sufficient time to answer.

Rule 27.

The oath required by Rule 11th shall be as follows: I do solemnly swear (or affirm) that I will faithfully and impartially try this impeachment against — and give my decision according to law and evidence.

Which rules were adopted.

Senator Freeman moved that the Senate take a recess for half an hour.

Which was agreed to.

Upon reassembling a message was received from the Governor as follows:

Executive Office
State of Arkansas
Little Rock May 27th 1874.

To the Senate of the State of Arkansas.

I have the honor to transmit to your honorable body the following nominations, and respectfully ask a confirmation of the same

W. B. Hastings, Sheriff of Mississippi Co. vice Goff, resigned.
Jas. R. Berry, Auditor vice Stephen Wheeler, suspended
Jas. L. Witherspoon, attorney General vice T. D. M. Yorley, resigned
Samuel Kunkel, Sheriff of Hot Spring Co. vice E. A. Nichols resigned.

Respectfully
Elisha Baxter
Governor.

A message was also received from the House of Representatives, as follows:

Hall of House of Representatives
Little Rock Ark May 27th 1874.

Mr. President — I am instructed by the House of Representatives to inform your honorable body of the passage of Substitute for H. B. 47, An Act authorizing the issuance of Bonds for the payment of the expenses of the Militia and present General Assembly and the appropriation and disbursement of the same, which is herewith respectfully transmitted for your favorable consideration.

Chas. C. Rice
Clerk.

Senator Belden as Chairman of the Committee on Finance presented the following report:

Mr. President — Your Committee on Finance have reexamined Senate Bill No. 20, and report the same back to the Senate and recommend its passage.

Belden
Ch'm

Senator Belden offered the following resolution:

Whereas in the great labor devolving upon the clerical force of the Secretary of the Senate, they have been forced to work extra and at night in order to keep the business of the Senate properly attended to.

Resolved That the President of the Senate be authorized to sign warrants for such extra services properly verified as shall not exceed three per diem.

Which was adopted.

Senator Brown offered the following resolution

Resolved, That Senator Ratcliffe be appointed a committee of one to wait on the Commanding officer of the Military forces in the State House yard and ask him to cause the rule prohibiting smoking in the public grounds of the Capitol.

Senator Ratcliffe moved to insert the name of Brown in lieu of Ratcliffe as an amendment to the resolution

Which was agreed to.

The resolution as amended was then adopted.

Senator Duke desired unanimous consent to introduce a Bill entitled An act ~~to~~ authorizing the appointment of a committee to examine the books of the Auditors and Treasurers offices.

Objection being made the bill was not introduced.

The special order of the day being the consideration of Senate Bill No. 19 entitled An act supplementary to an act providing for a Convention of the people of the State to frame a new Constitution

It was taken up

Senator Scott offered as an amendment to the Bill give an additional delegate each to the Counties of Pope, Conway and Searcy.

Which was lost

The Bill was then read the third time and placed upon its final passage

The question being shall the Bill pass it was decided in the affirmative

Those who votes in the affirmative were Senators Austin Baldin Brown Dawson Dunagin Hawkes Jones Lindsey McChaney Ratcliffe Sawyer Torrance & White – 13.

Those who votes in the negative were, Beauchamp Duke Friesen McCabe Pollard & Scott – 6.

So the Bill Passed.

Senator Torrance moved that the vote just taken be reconsidered and the motion to reconsider be laid upon the table

Which was agreed to.

The President of the Senate appointed on the part of the Senate, Senators Baldin & Beauchamp as the committee to take testimony in relation to the sinking of the Steamer Hallie, contemplated by Joint Resolution No. –

Senator Friesen called up Substitute for House Joint Resolution No 6. entitled Resolution requesting the resignation of Hon. Powell Clayton and Hon. S. M. Worley

Which was read the first time.

Senator Friesen moved a suspension of the rules in order that the bill might be read the second time by title.

The ayes & nays being called for the following Senators voted in the affirmative Austin Beauchamp Brown Burr Duke Friesen Jones McCabe McChaney Pollard Ratcliffe & Scott – 12

In the negative Senators Baldin Dawson Dunagin

Hawks Lovejoy Sawyer Torrans & White – 8.

So the rules were not suspended.

Senator Ratcliffe called up House Bill No. 72 entitled An Act ~~to~~ authorizing the issue of Bonds for the payment of the militia and the present General Assembly.

Which was read the third time and placed upon its final passage.

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were: Archer Beavers Baldwin Brown Bunn Dawson Dunaway Duke Friemann Hawks Lovejoy McChesney Pollard Ratcliffe Sawyer & White – 16.

In the negative Senators Jones McCabe & Sawyer – 3

Senator Torrans was excused from voting.

So the Bill passed.

~~On motion of~~ Senator Ratcliffe moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Ratcliffe called up Senate Bill No. 20 entitled an act to prevent the further issuance of Treasury Certificates.

Which was read the third time and placed upon its final passage.

The question being shall the bill pass it was lost.

Those Senators who voted in the affirmative were: Baldwin Brown. Dawson Hawks Lovejoy Ratcliffe Torrans & White – 8.

Those voting the negative were: Archer Beavers Bunn Dunaway Duke Friemann Jones McCabe McChesney Pollard Sawyer & Scott – 12 –

So the Bill was lost.

Senator Ratcliffe called up Senate Bill No. 12 entitled an act to make railroad companies responsible for stock killed by their trains.

Which was read the third time and placed upon its final passage.

The question being shall the bill pass it was decided in the negative.

Those Senators who voted in the affirmative were: Archer Beavers. Dawson Friemann Hawks Lovejoy McChesney Ratcliffe Torrans & White – 10

Those who voted in the negative were: Baldwin Brown Bunn Dunaway Duke Jones McCabe Pollard Sawyer & The President – 11 –

So the Bill was lost.

Senator Jones called up House Bill No. 55 entitled An act to repeal an act to authorize certain Counties to fund their outstanding indebtedness.

Which was read the first time.

And upon a suspension of the rules was read the second time by title.

And upon a further suspension of the rules was read the third time by title and passed upon its final passage

The question being shall the bill pass it was decided in the affirmative

Those who voted in the affirmative were:

Ashley Beeson Baldwin Brown Bunn Dawson Donaghin Dusle Hawkes Jones Lovejoy McCabe McCraney Pollard Ratcliffe Sawyer Scott & White — 18

In the negative Senator Torrance — 1 —

So the bill passed

~~On motion of~~ Senator Ratcliffe moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Ratcliffe called up House bill No. 73 entitled An act making an appropriation to supply deficits in the State Departments.

Which was read the first time.

Senator Ratcliffe moved a suspension of the rules in order that the bill might be read the second time by title.

And the ayes and nays being called for the following Senators voted in the affirmative. Ashley Beeson Brown Bunn Donaghin Dusle Fisher McCabe McCraney Pollard Ratcliffe Scott & White — 10

In the negative Senators Baldwin Dawson Hawkes Jones Lovejoy Sawyer & Torrance — 7 —

So the rules were not suspended.

Senator Ratcliffe called up House Bill No. 35 entitled An act to empower aliens to acquire, hold, devise, and convey real estate, and moved that the further consideration of the bill be indefinitely postponed

Which was agreed to.

When on motion of Senator Brown the Senate went into Executive Session and after some time spent therein ~~the Senate resumed~~ the regular session was resumed.

Senator Dawson desired to be excused for non-attendance ~~for the~~ during the first four days of the session

Objection being made the roll was called and the following Senators voted in the affirmative: Baldwin Lovejoy McCabe Ratcliffe Sawyer Scott Torrance & White — 8

In the negative Ashley Brown Bunn Donaghin Dusle Jones McCraney Pollard — 8

There being a tie vote the President voted "aye" so the Senator was excused.

Senator Sawyer also desired to be excused for non-attendance during the first three days of the session

Which was granted.

Senator Ratcliffe moved that the janitors be allowed the sum of Four Dollars per day for their services — Which was agreed to.

When on motion of Senator Brown the Senate at one o'clock took a recess until Half past p. m.

Afternoon Session

Wednesday Half past p. m. May 27th 1874.

The Senate reassembled at Half past p. m.

Senator Baldwin as chairman of the Committee on Enrolled Bills presented the following report =

Mr. President. — Your committee on Enrolled Bills have found correctly enrolled Senate Bill No. 15. An act supplementary to and amendatory of an act providing for a convention of the people of the State of Arkansas to frame a new Constitution, have presented the same

to the Speaker of the House and President of the Senate and have delivered the same to the Governor this day May 27th 1874. D.P. Baldwin. Chairman

Senator Ratcliffe called up House Bill No. 36 entitled An Act to provide for the reassessment of the real estate of the State of Arkansas

Which was read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time by title and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were: Asher Beavers Baldwin Brown Bunn Dunagin Duke Hanks Jones Lowery McCabe McChaney Pollard Ratcliff Sawyer Scott & Torrans — 17 In the negative none.

Senator Frierson was excused from voting.

So the Bill passed.

~~Reconsideration of~~ Senator Ratcliffe moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Pollard called up Substitute for Senate Bill No. 2 entitled An Act to redistrict the State for Congressional purposes.

Which was read the third time and placed upon its final passage.

The question ~~being~~ being shall the Bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were: Asher Beavers Brown Bunn Frierson Jones McCabe Pollard Ratcliffe & Scott — 10.

In the negative Senators Baldwin Dunagin Duke Hanks Lowery McChaney Sawyer and Torrans — 8.

So the bill passed.

~~Reconsideration of~~ Senator Ratcliffe moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Senator Dunagin called up House Bill No. 18 entitled An Act to repeal an Act entitled An Act in relation to forfeited lands in this State.

Which was read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time by title and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative.

Those Senators who voted in the affirmative were Asher Beavers Baldwin Brown Bunn Dunagin Duke Frierson Hanks Jones Lowery McChaney Pollard Ratcliffe Sawyer Scott & Torrans — 17

In the negative none.

So the bill passed.

A message was here received from the Governor as follows:

State of Arkansas.
Executive Office.
Little Rock May 27th 1874.

To the Senate of the State of Arkansas.
Gentlemen:

I herewith submit the name of Daniel N. Carroll as Judge of the 10th Judicial Circuit vice H. B. Morse, resigned, and respectfully ask the confirmation of the same.

Elisha Baxter
Gov. of Arkansas.

Senator McCabe called up Substitute for House Bill No. 38 entitled an act of pardon & amnesty.

Which was read the first time.

And under a suspension of the rules was read the second time by title.

Senator Torrans offered the following amendment

Amend by inserting "grant full pardon and amnesty to all persons engaged in the recent contest between Elisha Baxter and Joseph Brooks and their supporters, except that civil officers shall not be exempt from trial by impeachment."

Which was lost.

Senator Austin offered the following amendment.

Strike out the proviso to the second section and insert in lieu thereof the following: "Provided that no civil officer shall be pardoned by the provisions of this act for any offence or offences he may have committed, and which are the subject of impeachment under existing laws.

Which was adopted.

Senator Duke moved that the further consideration of the bill be indefinitely postponed.

Which was not agreed to

Senator Austin offered the following amendment by inserting after section two as follows: Be it further enacted, That a full and free pardon and amnesty is hereby granted to all commissioned officers and privates in the militia forces of this State called into service by Elisha Baxter Governor thereof, for all acts and offences done or committed against the criminal laws of the State and not inconsistent with the recognized rules of civilized warfare

Which was agreed to.

The bill as amended was then read the third time and passed upon its final passage.

The question then being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were: Austin Baldwin Brown Busey Dawson, Duke Freeman Hawks Jones Lovejoy McCabe McCherry Sawyer Scott and Torrans — 15.

In the negative were Senators Brown Dunagin and Pollard — 3.

So the Bill passed.

~~On motion of~~ Senator Baldwin moved that the vote just taken be reconsidered and the motion to reconsider was laid on the table.

A message was then received from the House of Representatives as follows:

State of House of Representatives
Little Rock Ark May 27th 1874

Mr. President: I am instructed by the House of Representatives to inform your honorable body of the passage of S.B 11 a bill to be entitled an act to repeal an act entitled an act amendatory of and supplemental to an act entitled an act to provide for clerks of circuit courts in certain counties and define their duties: also S.B 10. An act to be entitled An act to change the time of holding the circuit courts of this state.

Also S.B 16. a bill to be entitled An act to relieve the citizens of Cross County.

Also H.B 22. An act providing for the removal of the county seat of Greene County.

Also H.B. 62 An act to be entitled an act to authorize the location of the county seat of Sevier County.

Also H.B 75 An act to be entitled an act to attach the County of Lonoke to the first congressional District:

Which are herewith respectfully transmitted for your favorable consideration

Chas C. Reid
Clerk

Senator Beavers called up House Bill No. 74 entitled An act to provide for the cancellation of State Scrip

Which was read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time by title and passed upon its final passage.

The question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were Austin Beavers Brown Burns Dawson Dunagin Dusek Friersen Hendrix McChesney Pollard Ratcliffe Sawyer Scott Torrens & White — 16.

In the negative none.

So the bill passed.

Senator Friersen moved that the report of the committee with the accompanying rules for the government of impeachment trials be adopted

Which was adopted.

Senator Friersen offered the following resolution:

I move that the Sergeant at Arms be and he is hereby directed to issue summons against John McClure, Chief Justice of this State commanding him to appear at half past Nine o'clock P.M.

on the ninth day of December next before the Senate of the State of Arkansas, and answer certain articles of impeachment preferred against him by the House of Representatives before the bar of the Senate on the twenty sixth day of May AD 1874, and that the Sergeant at arms of the Senate is hereby ordered to deliver to the said John McClure such process, together with a copy of the said articles of impeachment, if he be found, or by leaving a copy of such process and articles of impeachment at his residence with some member of his family over fifteen years of age.

J. G. Freeman

Which was adopted.

and the following resolution:

Resolved that the Secretary of State be and he is hereby directed to issue summons against Stephen Wheeler Auditor of this State, commanding him to appear at half past one o'clock p.m. on the seventh day of December next before the Senate of the State of Arkansas, and answer certain articles of impeachment, preferred against him by the House of Representatives before the bar of the Senate on the twenty sixth day of May AD 1874, and that the Sergeant at arms of the Senate is hereby ordered to deliver to the said Stephen Wheeler such process, together with a copy of the said articles of impeachment if he be found, or by leaving a copy of such process and articles of impeachment at his residence with some member of his family over fifteen years of age.

J. G. Freeman

Which was also agreed to.

Senator Hawkins as chairman of the Committee on Counties and County lines presented the following report.

Mr. President — Your committee on Counties and County lines to whom was referred S.B. #47 a bill to be entitled An act defining the line between the Counties of Pope and Conway have examined the same and recommend its passage

Hawkins
Chairman

Which was read and received.

Senators Brown called up House Bill No. 47 entitled An act authorizing the issue of Bonds for the payment of the expenses of the Militia and the present General Assembly

Which was read the first time.

Senator Brown moved a suspension of the rules in order that the bill might be read the second time by title

Which motion was lost

Senator Dunn called up House Bill No. 17 entitled An act to protect the public and private levees of this State.

Which was read the third time and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative.

Those Senators who voted in the affirmative were

Cashen Beaver Belden Brown Bunn Dawson Dunagin Duke Jones Langley McCabe McChesney Pollard Sanger Scott Thomas & White — 17

In the negative none.

So the bill passed.

~~Pending~~ Senator Duke moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

Then on motion of Senator Brown the Senate at half past six o'clock, took a recess until 8 o'clock p.m.

8 o'clock p.m.

Upon reassembling

Senator Duke called up House bill No. 72 entitled An act in reference to the Arkansas Industrial University

Which was read the third time and placed upon its final passage.

The question being shall the bill pass it was decided in the affirmative

Those who voted in the affirmative were Senators: Cashen Beaver Brown Dunagin Duke Fisher Hawks Jones McCabe McChesney Pollard and Scott — 11

Those who voted in the negative were Dawson Langley Sanger Thomas & White — 5.

So the bill passed.

Senator Duke moved that the vote just taken be reconsidered and the motion to reconsider be laid on the table

Which was agreed to.

Managers of Impeachment on the part of the House of Representatives were here announced in the impeachment of W. S. Oliver Sheriff of Pulaski County.

The Chairman of the Managers read the following articles of Impeachment:

Articles of Impeachment exhibited by the House of Representatives of the State of Arkansas, in the name of themselves and all the people of said State against William S. Oliver as Sheriff of Pulaski County in the State of Arkansas in maintenance and support of their Impeachment against him for high Crimes and Misdemeanors in office.

Article 1.

That the said William S. Oliver being the Sheriff of Pulaski County State as aforesaid, did heretofore, to wit, on the 15th day of April 1874 at the county of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the requirements of the Constitution and laws of said State, combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted Government of said State, did then and there war against the said State of Arkansas, contrary to the constitution and laws of said State; whereby the said William S. Oliver, did then and there commit, and was guilty of, a high crime in office.

Article 2.

That the said William S. Oliver being the Sheriff

of Pulaski County, State aforesaid, did heretofore to wit, on the 15th day of April 1874 at the County of Pulaski in said State being unmindful of the high duties of his said office, of his oath of office, and of the Constitution and laws of said State combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted authorities and government of said State, and did then and there adhere to its enemies, giving them aid and comfort, contrary to the Constitution and laws of said State, whereby the said William S. Oliver did then and there commit and was guilty of, a high crime in office.

Article 3.

That the said William S. Oliver being the Sheriff of Pulaski County, State as aforesaid, did heretofore, to wit, on the 15th day of April 1874 at the County of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the requirements of the Constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other willy disposed persons by force to usurp the government of the State, and did make forcible attempts to accomplish the said illegal purpose, contrary to the Constitution and laws of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office approved February 27th 1873, whereby the said William S. Oliver did then and there commit, and was guilty of, a high crime in office.

Article 4.

That the said William S. Oliver being the Sheriff of Pulaski County, State as aforesaid, did heretofore to wit on the 15th day of April 1874: at the County of Pulaski in said State, being unmindful of the high duties of his said office of his oath of office, and of the requirements of the constitution and laws of said State, conspire with one Joseph Brooks and other evil minded persons, to overturn the government of said State, and made a forcible attempt to accomplish the purpose aforesaid, contrary to the constitution and laws of said State, and in violation of an act of the General Assembly of said State entitled An act to punish usurpation in office, approved February 27th 1873, whereby the said William S. Oliver did then and there commit, and was guilty of, a high crime in office.

Article 5.

That the said William S. Oliver, being the Sheriff of Pulaski County, State as aforesaid, did heretofore to wit on the 15th day of April 1874, at the County of Pulaski in said State, being unmindful of the ~~high~~ duties of his said office, of his oath of office, and of the requirements of the constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks, and other evil minded persons to usurp the office of Governor of said State, and the Executive Department thereof and for the said illegal purpose levied war against said State, contrary to the laws and constitution of said State and in violation of an act of the General Assembly of said State entitled An act to punish usurpation

in office approved February 27th 1873 whereby the said William R. Oliver, did then and there commit, and was guilty of a high crime in office.

Attest:
Chas. C. Reid jr.
Clerk of House of Representatives.

James H. Berry
Speaker of House of Representatives of Arkansas.

Due note of which was taken by the Senate.

A message was here received from the House of Representatives, as follows:

Hall of House of Representatives
Little Rock Ark May 27th 1874

Mr. President. — I am instructed by the House of Representatives to inform your honorable body of the passage of H.B. 65 an act to provide for adding territory to cities of the first class.

Also Substitute H.B. 61 An act to prevent the commissioner of State lands from receiving large bonds

Also H.B. 76 A bill to be entitled An act to release the citizens of the several counties of the state.

Also H.J.R. 11. A joint resolution requesting Senators Clayton & Dorsey & Representatives Snyder Hodges & Hynes to resign their seats in Congress of the U.S. & tendering thanks to Rep. Wilshire.

Which are ~~respectfully transmitted~~ herewith respectfully transmitted for your favorable consideration

Chas. C. Reid jr
Clerk

Senator Brown called up House Bill No. 62 entitled An act to locate the county seat of Sevier County

Which was read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time by title and placed upon its final passage

The question being shall the bill pass it was decided in the affirmative.

Those Senators who voted in the affirmative were Austin Beavers Baldwin Brown Burns Dawson Dunagin Dusse Friman Hawkes Lovejoy McCaa McCheaney Pollard Ratcliffe Sawyer Scott & White — 18

In the negative none.

So the Bill passed.

A committee from the House of Representatives was announced when the chairman stated that the House would be ready to go into an election tomorrow at half past 10 o'clock for three commissioners to be elected under bills of the House, Bills No. 70 & 64 An act authorizing the issuance of Bonds for the payment of the Militia and the present Extraordinary Assembly.

Sub. for

Senator Friman offered the following resolution:

Resolved, That the committee on Elections be instructed to report back to this body the application of Pat. H. Meade, to be sworn in as Senator from the 12th District, without recommendation.

Senator Hawkes moved that the resolution be laid upon the table.

which was agreed to.

Managers of Impeachment from the House of Representatives were here announced on the impeachment case of William H. Gray Commissioner of State Lands, the charges of which read the following articles of Impeachment.

Articles of Impeachment exhibited by the House of Representatives of the State of Arkansas, in the name of themselves and all the people of said State against William H. Gray as Commissioner of State Lands of the State of Arkansas in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

Article 1.

That the said William H. Gray being Commissioner of State Lands of State as aforesaid, did heretofore to wit on the 15th day of April 1874 at the County of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the requirements of the Constitution and laws of said State, combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted Government of said State, and did then and there levy war against the said State of Arkansas, contrary to the Constitution and laws of said State, whereby the said William H. Gray, did then and there commit, and was guilty of, a high crime in office.

Article 2.

That the said William H. Gray being Commissioner of State Lands of State as aforesaid, did heretofore to wit, on the 15th day of April 1874, at the County of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and of the ~~requirements~~ of the Constitution and laws of said State, combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted authorities and government of said State, and did then and there adhere to its enemies giving them aid and comfort, contrary to the constitution and laws of said State, whereby the said William H. Gray did then and there commit, and was guilty of, a high crime in office.

Article 3.

That the said William H. Gray being Commissioner of State Lands of State as aforesaid, did heretofore to wit, on the 15th day of April 1874, at the County of Pulaski in said State, being unmindful of the high duties of his said office of his oath of office, and the requirements of the Constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other evilly disposed persons by force to usurp the Government of the State, and did make forcible attempts to accomplish the said illegal purpose, contrary to the constitution and laws of said State, and in violation of an act of the General Assembly of said State, entitled an act to punish corruption in office approved February 27th 1873, whereby the said William H. Gray did then and there commit, and was guilty of, a high crime in office.

Article 4.

That the said William H. Gray being Commissioner of State Lands of State as aforesaid, did heretofore

to wit, on the 15th day of April 1874, at the county of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and the requirements of the constitution and laws of said State conspire with one Joseph Brooks and other evil minded persons, to overturn the government of said State, and make a forcible attempt to accomplish the purpose aforesaid contrary to the constitution and laws of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office approved February 27th 1873 whereby the said William H. Gray did then and there commit and was guilty of a high crime in office.

Article 5.

That the said William H. Gray being Commissioner of State Lands of State as aforesaid, did heretofore to wit on the 15th day of April 1874, at the county of Pulaski in said State being unmindful of the duties of his said office, of his oath of office, and the requirements of the constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other evil minded persons to seize the office of Governor of said State and the Executive Department thereof, and for the said illegal purpose levied war on said State, contrary to the laws and constitution of said State, and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office approved February 27th 1873 whereby the said William H. Gray did then and there commit and was guilty of a high crime in office.

Article 6.

That the said William H. Gray, being Commissioner of State Land of State as aforesaid did, heretofore to wit on or about the 15th day of May AD 1874 at the County of Pulaski in said State, being unmindful of the duties of his said office, of his oath of office, and of the requirements of the Constitution and laws of said State, unlawfully and feloniously mutilate destroy and deface the records pertaining to and belonging to the office of said State lands, and did then and there purloin steal and carry off valuable papers belonging to and deposited in said office as aforesaid contrary to the laws and constitution and in violation of the ~~[illegible]~~ act of the general assembly of said State, of said State, whereby the said William H. Gray did then and there commit, and was guilty of a high crime in office.

Attest:
Chas. C. Reid jr.
Chief Clerk of House of Representatives.

James H. Berry
Speaker of the House of Representatives of Arkansas

Of which the Senate took due notice and the transgressors entered.

Senator Dever called up Senate Bill No. 17 entitled an act defining the line between the counties of Pope and Conway.

Which was read the third time and stood upon its final passage.

The question being shall the bill pass it was decided in the affirmative.

Those Senators who voted in the affirmative were as follows: Barnes Brown Bunn Dunagin Dusk Fries Hanks McCherry Pollard Ratcliffe Scott Torrans & White — 14.

In the negative Senators Dawson Longley McCabe & Sawyer — 4

So the Bill passed.

Managers of Impeachment were here announced from the House of Representatives, in the case of John E Bennett Associate Justice of the Supreme Court — The Chairman of which read the following articles of Impeachment:

Articles exhibited by the House of Representatives of the State of Arkansas in the name of themselves and all the people of said State against John E. Bennett Associate Justice of the Supreme Court of the State of Arkansas in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

Article 1.

That the said John E. Bennett being the Associate Justice of the Supreme Court of the State as aforesaid did heretofore to wit: on the 15th day of April 1874 at the County of Pulaski in said State, being unmindful of the high duties of his said office, of his oath of office, and the requirements of the Constitution and laws of said State, combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted Government of said State and did then and there levy war against said State of Arkansas, contrary to the Constitution and laws of said State, whereby the said John E. Bennett, did then and there commit, and was guilty, of a high crime in office,

Article 2.

That the said John E. Bennett being Associate Justice of the Supreme Court of the State as aforesaid, did heretofore to wit on the 15th day of April 1874 at the County of Pulaski in the said State being unmindful of the high duties of his said office, of his oath of office, and ~~the requirements~~ of the Constitution and laws of said State, combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted authorities and government of said State, did then and there adhere to its enemies, giving them aid and comfort, contrary to the Constitution and laws of said State, whereby the said John E Bennett did then and there commit and was guilty of, a high crime in office.

Article 3.

That the said John E Bennett, being Associate Justice of the Supreme Court of the State as aforesaid, did heretofore to wit on the 15th day of April 1874, at the County of Pulaski in said State, being unmindful of the high duties of his said office of his oath of office, and of the requirements of the Constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other evilly disposed persons by force to usurp the Government of the State, and did make forcible attempts to accomplish the said illegal purpose

contrary to the constitution and laws of said State and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office approved February 27th 1873, whereby the said John E. Bennett, did then and there commit, and was guilty of a high crime in office.

Article 4.

That the said John E Bennett being Associate Justice of the Supreme Court of the State as aforesaid, did heretofore to wit: On the 15th day of April 1874, at the County of Pulaski in said State, being unmindful of the high duties of his said office of his oath of office, and of the requirements of the Constitution and laws of said State conspire with one Joseph Brooks and other evil minded persons, to overturn the Government of said State and made forcible attempt to accomplish the purpose aforesaid, contrary to the laws and constitution of said State and in violation of an act of the General Assembly of said State, entitled an act to punish usurpation in office, approved February 27th 1873 whereby the said John E Bennett did then and there commit, and was guilty of a high crime in office.

Article 5.

That the said John E Bennett being Associate Justice of the Supreme Court of the State as aforesaid did, heretofore to wit on the 15th day of April 1874 at the County of Pulaski, in said State, being unmindful of the duties of his said office, of his oath of office and of the requirements of the constitution and laws of said State, unlawfully and feloniously conspire with one Joseph Brooks and other evil minded persons to usurp the office of Governor of said State and the Executive Department thereof, and for the said illegal purpose levied war on said State, contrary to the constitution and laws of said State and in violation of an act of the General Assembly of said State entitled an act to punish usurpation in office, approved February 27th 1873, whereby the said John E Bennett did then and there commit and was guilty of a high crime in office.

Article 6.

That the said John E Bennett being Associate Justice of the Supreme Court of the State aforesaid, did heretofore, to wit on or about the 7th day of May A.D. 1874, at the County of Pulaski in said State, being unmindful of the duties of his said office, of his oath of office, and of the requirements of the constitution and laws of said State, unlawfully and feloniously, connive, combine, and conspire with one Joseph Brooks and other evil minded persons by fraudulently and corruptly rendering a decision and making a judgment in favor of and to the benefit of said Joseph Brooks and the evil minded persons with him therein interested, contrary to the laws and constitution of said State, and in violation of an act of the General Assembly of said State, entitled an act to punish usurpation

in office; approved February 27th 1874 whereby the said John E Bennett did then and there commit, and was guilty of a high crime in office

Attest:
Chas C Reid Jr.
Clerk of House of Representatives.

James H. Berry
Speaker of House of Representatives of Arkansas.

Of which the Senate took due notice and the Managers retired.

Senator Frierson called up House bill No. 33. entitled An act for the removal of the County Seat of Prairie County.

Which was read the third time and placed upon its final passage.

The question being Shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were Asker Beavers, Baldwin Brown Bunn Dunagin Frierson Jones McCabe Pollard Ratcliffe Scott & White — 13 —

In the negative were Senators Dawson Dusk Hauck Lovejoy McChesney Sawyer & Torrans — 7 —

So the Bill passed.

Senator Bunn called up House Bill No. 75 entitled An act to attach the county of Lonoke to the first congressional district

Which was read the first time

And under a suspension of the rules was read a second time by title.

And under a further suspension of the rules was read the third time

And on motion of Senator Ratcliffe was laid on the table subject to call.

Senator Brown called up Substitute for House Bill No. 47. entitled An act ~~to~~ authorizing the issuance of Bonds in payment of the expenses of the Militia and the present Extra Session of the General Assembly

Which was read the second time by title

And under a suspension of the rules it was read the third time by title and passed on its final passage

The question being Shall the bill pass it was decided in the negative.

Those Senators voting in the affirmative were Asker Beavers Brown Frierson Pollard Ratcliffe Scott & White — 8.

Those who voted in the negative were Senators Baldwin Bunn Dawson Dunagin Dusk Hauck Jones Lovejoy McCabe McChesney Sawyer & Torrans — 12.

So the Bill was lost.

~~Pending~~ Senator Torrans moved that the vote just taken be reconsidered and the motion to reconsider was laid upon the table.

A message was here received from the House of Representatives as follows.

Hall of House of Representatives
Little Rock Ark May 27th 1874

Mr. President:— I am instructed by the House of Representatives to inform your honorable body of the passage of Substitute

for House bill 134 An act to amend sec. 4 of an act entitled an act to organize and establish the County of Garland and for other purposes.

Also HB. 56 An act authorizing Gas Companies to increase their capital stock

Also H.J.R. No. 12 a Joint Resolution providing for a joint session of the General assembly May 28th 1874, to debate upon the contest of J. R. Berry vs. Stephen Wheeler for office of Auditor of State. also of Senate amendment on

~~Also~~ HB 92 An act in reference to Arkansas Industrial University, the effects offices and management thereof

Also Sub. for HB 29 & 42 a bill to be entitled an act to regulate the licensing of Drugshops and for other purposes.

Which are herewith respectfully transmitted for your favorable consideration.

Chas C Reid jr clerk.

Senator Belden as chairman of the committee on Enrolled Bills presented the following report:

Mr. President — Your committee on Enrolled Bills have found correctly enrolled Sub. Senate Bill No. 10 An act to be entitled an act to change the time of holding the Circuit Courts of the State, and have presented the same to the Speaker of the House of Representatives and the president of the Senate, and have this day delivered the same to the Governor and respectfully return the original bill to the Senate.

Belden
Chairman

May 27th 1874

Senator Brown moved that the Senate go into Executive Session.

Which was agreed to.

After some time spent therein regular Session was resumed.

On motion of Senator Brown the Senate adjourned until to-morrow morning at 9 o'clock

H. H. Orr
Secretary

T V Smith
President

Senate Chamber,
Little Rock Ark.
Thursday May 28th 1874.

The Senate met at 9 o'clock Lt. Gov. R. V. Smith in the chair.

The Secretary called the roll when the following Senators answered to their names Ashley Beaver Baldwin Brown Byrum Dawson Dunagin Dusch Fritson Hanks Jones Lovejoy McCabe McCheney Pollard Ratcliffe Sawyer Scott Terrans & White. 20.

Quorum Present.

Prayer by the Chaplain. Reading of yesterday's minutes dispensed with.

The President laid before the Senate claims of J. M. Johnson Secretary of State for repairs done to State House yard

Which was referred to the Committee on claims.

Senator Dusch offered the following resolution:

Resolved — That the Secretary be allowed ten days after the adjournment on the 28th of May within which time to file his Journal with the Secretary of State, and that he together with the assistant Secretary and Journal Clerk be allowed their per diem for said length of time.

+ Docket

Which was adopted.

Senator Baldwin as chairman of the committee on Enrolled Bills presented the following report:

Mr. President — Your committee on Enrolled Bills have found correctly enrolled Senate Bill No. 16 and have presented the same to the Speaker of the House of Representatives and the President of the Senate and have this day delivered the same to the Governor, and return the original to the Senate.

Baldwin
Chairman.

Senator Baldwin as chairman of the Select committee to inquire into the sinking of the Steamer Hallie presented the following report:

Mr. President — Your Special committee appointed to examine and inquire into the matter of the sinking of the Steamer Hallie beg leave to report, that without authority to send for persons and papers we have examined such parties as we could get voluntarily before us and find and report as follows, to wit:

The Steamer Hallie was taken possession of on the 7th day of May under the order of Maj. Gen. Newton commanding State Guards, was captured by a body of armed men acting under the authority of Joseph Brooks pretending to be Governor of the State of Arkansas. On the 8th or 9th of May said Steamer was taken possession of by the U. S. Marshals and by order of the U. S. Commissioner was turned over to Daniel Donnelly, Master of said Steamer, and was immediately thereafter seized by one John Brooker, claiming to be a Colonel in the Military command of said Joseph Brooks and at the time commanding a force of armed men belonging to said command and claiming to act under authority of Joseph Brooks. — The said Steamer was found while in the possession of said Brooker but your committee cannot learn authoritatively that said Brooker con-

had any orders from any superior officer either to leave or to sink said steamer.

Baldwin & Brown
Special Committee

Which was read and received.

A Message was here received from the Governor as follows:

Executive Office
Little Rock Ark. May 28th 1874

To the Senate of Arkansas
Gentlemen:

I have signed and approved the following Senate Bills viz: An act to relieve the citizens of Crop County; also an act to change the time of holding the Circuit Courts of this State; also an act supplementary to and amendatory of an act providing for a convention of the people of the State of Arkansas to frame a new constitution, all of which are herewith returned.

Ashley Baxter
Governor of Arkansas.

Senator Dunn moved that a committee of three be appointed by the President to wait upon the Governor and ask him to communicate any nominations or other business for the action of the Senate.

Which was agreed to.

The President appointed as such committee Senators Dunn Gaster & Brown

Senator Brown moved that Senator Baldwin be added to the committee to remain at the Capitol to superintend the Enrollment of Bills and completion of the Journals.

Which was agreed to.

Senator Baldwin offered the following preamble:

Whereas, The Special Committee appointed by the Senate, to investigate the condition of the books papers and vouchers in the Auditors and Treasurers Offices reported that for want of time they were unable to make a thorough investigation of the same, and recommended the appointment of a committee to investigate the same which report has been adopted by the Senate.

Therefore

Be it Resolved by the Senate — That the President of the Senate be and he is hereby authorized and directed to appoint a committee to consist of three Senators, whose duty it shall be to examine the books, record, papers vouchers &c, in said Auditors and Treasurers offices, and report the result of their investigation to the next session of the General Assembly of Arkansas.

Be it further resolved — That the said committee be and they are hereby authorized and directed to sit during the recess of the General Assembly, and to employ such clerical assistance as they shall deem necessary to enable them to make a full and complete examination of all said books papers vouchers &c. in said offices

Be it further resolved — That the Auditor and Treasurer of State be and they are hereby directed to furnish such facilities and assistance, as the committee herein provided for shall require to make a full examination as required by this resolution

Be it further resolved — That the President of the Senate be and he is hereby authorized and required to issue certificates for the per diem of the members and clerks and the necessary expenses of said committee, and that the Auditor issue his warrants on the Treasurer in payment of said certificates

Be it further resolved — That the Secretary furnish the Auditor and Treasurer of State with a copy of this resolution

Which was adopted, and the President appointed as such committee Senators Baldwin Torrance & Hunter.

Senator Ratcliffe called up House Bill No. 66 entitled An act authorizing Gas Companies to increase their Capital Stock

Which was read the first time.

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time and placed upon its final passage.

The question being shall the bill pass it was decided in the affirmative

The following Senators voted in the affirmative: Beasons Baldwin Burn Dawson Dunaghin Hunter Langley McCabe McCherry Sawyer Scott Torrance White — 13.

In the negative Senator Pollard — 1.

So the bill passed.

Senator Duke as chairman of the Joint committee to wait upon the Governor, reported that the committee had attended to the business assigned them and that the Governor had no further business to communicate to the Senate.

The following message was received from the House of Representatives.

Hall of House of Representatives
Little Rock, Ark. May 27 — 1874

Mr. President — I am instructed by the House of Representatives to inform your honorable body of the passage of Senate Bill No. 17 An act defining the line between the counties of Pope and Conway, which is herewith respectfully transmitted for your favorable consideration.

Chas. C. Reid
Clerk

Senator Ratcliffe called up House Bill No. 22 entitled An act providing for the removal of the County seat of Green County.

Which was read the first time

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the third time and placed upon its final passage

The question being shall the bill pass it was

decided in the affirmative

Those Senators who voted in the affirmative were Brown Baldwin Brown Dawson Dunagin Frierson Hawks Langley McCherry Pollard Ratcliffe Sawyer Scott Torrance White — 15

Those who voted in the negative were Adams Burr Burns & McCabe — 4 —

So the bill passed.

Senator Frierson offered the following concurrent resolution =

Whereas on the 27th day of May 1873 the House of Representatives of the Congress of the United States of America, appointed a Committee consisting of five Members for the purpose of investigating the election of Governor of the State of Arkansas, therefore

Be it resolved — That the Senate of the State of Arkansas, the House of Representatives concurring therein that ~~that~~ a Committee to consist, of eight, to wit; three Members of the Senate and five Members of the House of Representatives be appointed by the President of the Senate and Speaker of the House of Representatives, to meet such Committee so appointed as aforesaid by the House of Representatives of the Congress of the United States of America and to assist them in the investigation of the election of Governor of the State of Arkansas, and any other matters they ~~may~~ propose to investigate

Which was read the first time.

Senator Frierson moved a suspension of the rules in order that the resolution might be read the second time by title

Which was lost.

Senator Baldwin called up Substitute for House Bill No. 34, entitled an act to amend Section 4 of ~~an act~~ an act entitled an act to establish the County of Garland and for other purposes.

Which was read the first time

And under a suspension of the rules was read the second time by title

And under a further suspension of the rules was read the 3d time ~~by title~~ and passed upon its final passage

The Question being shall the bill pass it was decided in the affirmative

Those Senators who voted in the affirmative were Adams Burns Baldwin Brown Burr Dawson Dunagin Duke Frierson Hawks Langley McCabe McCherry Pollard Ratcliffe Sawyer Scott Torrance White — 19.

In the negative none

So the bill passed.

Senator Frierson offered the following resolution:

Resolved that at 2 o'clock p. m. on the first Monday in December next, the same being the seventh day of that month, the Senate of the State of Arkansas will proceed to consider the impeachment of William S. Oliver, Sheriff of Pulaski County State of Arkansas, at which time the oath or affirmation required by the rules of the Senate, setting for the trial

of an impeachment shall be administered by the President of the Senate as the presiding officer of the Senate sitting as aforesaid to each member of the Senate, and that the Senate sitting as aforesaid receive the managers appointed by the House of Representatives

Ordered that the Secretary lay this resolution before the House of Representatives.

Ordered — That the articles of Impeachment exhibited against William S. Oliver Sheriff of Pulaski County State of Arkansas be printed.

Ordered — That a copy of the rules of procedure and practice in the Senate when sitting on trial of impeachments be communicated by the Secretary to the House of Representatives, and a copy thereof delivered by him to each member of the House

J. G. Emerson

Which was adopted.

Also the following:

Resolved, That at half past two o'clock P.M. on the first Monday in December next, the same being the seventh day of that month, the Senate of the State of Arkansas will proceed to consider the impeachment of John E. Bennett Associate Justice of the Supreme Court of the State of Arkansas at which time the oath or affirmation required by the rules of the Senate sitting for the trial of an impeachment shall be administered by the President of the Senate as the presiding officer of the Senate sitting as aforesaid to each member of the Senate, and that the Senate sitting as aforesaid receive the Managers appointed by the House of Representatives

Ordered That the Secretary lay this resolution before the House of Representatives

Ordered — That the articles of impeachment exhibited against John E. Bennett Associate Justice of the Supreme Court of the State of Arkansas be printed.

Ordered That a copy of the rules of procedure and practice in the Senate when sitting on trial of impeachment, be communicated by the Secretary to the House of Representatives, and a copy thereof delivered by him to each member of the House

J. G. Emerson

Which was adopted

Also the following:

Resolved — That at three o'clock p.m. on the first Monday in December next, the same being the seventh day of that month, the Senate of the State of Arkansas will proceed to consider the impeachment of William H. Gray Commissioner of Immigration and State Lands of the State of Arkansas at which time the oath or affirmation required by the rules of the Senate sitting for the trial of an impeachment shall be administered by the President of the Senate as the presiding officer of the Senate sitting as aforesaid, to each member of the Senate, and that the Senate sitting as aforesaid, receive the Managers appointed by the House of Representatives. ordered that the Secretary lay this resolution before the House of Representatives

Ordered that the articles of impeachment, exhibited against William H. Gray commissioner of Immigration and State Lands of the State of Arkansas, be printed.

Ordered, That a copy of the rules of procedure

and practice in the Senate when sitting on trial of impeachment be communicated by the Secretary, to the House of Representatives, and a copy thereof delivered by him to each member of the House. J. G. Emerson

Which was adopted.

Senator Beauvais offered the following resolution:

Resolved, That a committee of three be appointed on the part of the Senate by the President of the Senate to meet and confer with any committee that may be sent to this State by either House of Congress to investigate the affairs of the State of Arkansas.

Which was adopted.

Managers of Impeachment from the House of Representatives were here announced in the case of E. J. Searle Associate Justice of the Supreme Court, the chairman of which read the following articles of impeachment.

Articles exhibited by the House of Representatives of the State of Arkansas, in the name of themselves and all the people of said State, against Elhanan J. Searle as Associate Justice of the Supreme Court of the State of Arkansas in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

Article 1.

That the said Elhanan J. Searle being Associate Justice of the Supreme Court of the State as aforesaid, did heretofore to wit on the 15th day of April 1874, at the County of Pulaski in said State, being unmindful of the high duties of his said office of his oath of office, and the requirements of the Constitution and laws of said State combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted Government of said State, and did then and there levy war against the said State of Arkansas, contrary to the Constitution and laws of said State, whereby the said Elhanan J. Searle did then and there commit and was guilty of a high crime in office.

Article 2.

That the said Elhanan J. Searle, being Associate Justice of the Supreme Court of the State as aforesaid did heretofore to wit, on the 15th day of April 1874 at the County of Pulaski in said State, being unmindful of the high duties of his said office of his oath of office and the requirements of the Constitution and laws of said State, combine and confederate with one Joseph Brooks in armed insurrection against the lawfully constituted authority and Government of said State, and did then and there adhere to its enemies giving them aid and comfort, contrary to the Constitution and laws of said State; whereby the said Elhanan J. Searle did then and there commit and was guilty of a high crime in office.

Article 3.

That the said Elhanan J. Searle being Associate Justice of the Supreme Court of State, as aforesaid, did heretofore to wit on the 15th day of April 1874, at the County of Pulaski in said State, being unmindful

of the high duties of his said office, of his oath of office, and the requirements of the constitution and laws of said state, unlawfully and feloniously conspire with one Joseph Brooks and other evilly disposed persons by force to usurp the government of the state and did make forcible attempts to accomplish the said illegal purpose contrary to the constitution and laws of said state, and in violation of an act of the general assembly of said state entitled "an act to punish usurpation in office", approved February 27th 1873, whereby the said Elhanan J. Searle did then and there commit and was guilty of a high crime in office.

Article 4.

That the said Elhanan J. Searle, being associate Justice of the Supreme Court ~~[illegible]~~ did heretofore, to wit, on the 15th day of April 1874, at the county of Pulaski in said state, being unmindful of the high duties of his said office of his oath of office, and the requirements of the constitution and laws of said state conspire with one Joseph Brooks and other evil minded persons, to overturn the government of said state, and make a forcible attempt to accomplish the purpose aforesaid, contrary to the constitution and laws of said state, and in violation of an act of the general assembly of said state entitled an act to punish usurpation in office, approved February 27th 1873; ~~whereby the said~~ Elhanan J. Searle did then and there commit and was guilty of a high crime in office.

Article 5.

That the said Elhanan J. Searle, being associate Justice of the Supreme Court of the state as aforesaid, did heretofore to wit on the 15th day of April 1874, at the county of Pulaski in said state, being unmindful of the duties of his said office, of his oath of office and of the requirements of the constitution and laws of said state, unlawfully and feloniously conspire with one Joseph Brooks and other evil minded persons to usurp the office of Governor of said state, and the Executive Department thereof and for the said illegal purpose levied war on said state contrary to the constitution ~~[illegible]~~ laws and of said state and in violation of an act of the general assembly of said state entitled an act to punish usurpation in office approved February 27th 1873, whereby the said Elhanan J. Searle, did then and there commit and was guilty of a high crime in office.

Article 6.

That the said Elhanan J. Searle, being associate Justice of the Supreme Court of the state, as aforesaid did heretofore to wit on or about the 7th day of May A.D. 1874 at the county of Pulaski in said state being unmindful of the duties of his said office of his oath of office, and of the requirements of the constitution and laws of said state unlawfully and feloniously, connive conspire and combine with one Joseph Brooks and other evil minded persons, ~~[illegible]~~ by fraudulently and corruptly rendering and making a judgment in favor of and to the benefit of said Joseph Brooks and the evil minded persons with him therein associated, contrary to the constitution laws and ~~[illegible]~~ of said state and in violation of an act of the general assembly of

said Act entitled an Act to punish malfeasance in office approved February 27th 1873 whereby the said Ebenezer J. Searle, did then and there commit and was guilty of a high crime in office.

attest:
Chas C Reid jr.
clerk of House of Representatives.

Jno H Berry
Speaker of the House of Representatives of Arkansas.

Of all which the Senate took due notice.

Senator Freeman offered the following resolution:

Resolved, That at half past three o'clock P.M. on the first Monday of December next, the same being the fourth day of that month, the Senate of the State of Arkansas will proceed to consider the impeachment of E. J. Searle, Associate Justice of the Supreme Court of the State of Arkansas, at which time the oath or affirmation required by the rules of the Senate sitting for the trial of an impeachment shall be administered by the President of the Senate, as the presiding officer of the Senate sitting as aforesaid to each member of the Senate, and that the Senate sitting as aforesaid, receive the Managers appointed by the House of Representatives.

Offered That the Secretary lay this resolution before the House of Representatives.

Offered - That the articles of impeachment exhibited against E. J. Searle Associate Justice of the Supreme Court of the State of Arkansas, be printed.

Offered That ~~copy of~~ the rules of procedure and practice in the Senate ~~when~~ sitting on trials of impeachment be ~~printed and that a copy of the same be delivered~~ ~~communicated~~ by the Secretary ~~copy of the~~ to the House of Representatives, and ~~copy thereof be delivered by him~~ to each member of the ~~House~~ Senate.

J. G. Emerson

Which was adopted.

Senator Baldwin as chairman of the committee on Finance presented the following report:

Mr. President - Your Committee on Finance report Senate Bill No. 28 back to the Senate and recommend its passage

Baldwin
Chairman

Which was read and received.

The following message was received from the House of Representatives:

House of House of Representatives
Little Rock Ark May 28th 1874

Mr. President - I am instructed by the House of Representatives to inform your honorable body of the passage of Senate Bill No. 9. An act to repeal an act entitled an act to provide for paying interest of Bonds issued to aid in the construction of railroads approved April 10, 1869

Also H. B. 9 An act to be entitled an act to regulate a publication of legal notices approved July 14 1868 and to provide for the manner of such publication, which are herewith respectfully transmitted for your favorable consideration

Chas C Reid jr
clerk

Senator Frierson offered the following resolution.

Mr. President – I move that the Secretary of State be and he is hereby directed to issue summons against John E. Bennett Associate Justice of the Supreme Court of the State of Arkansas, commanding him to appear at half past two o'clock p.m. on the Seventh day of December 1874 before the Senate and answer certain articles of impeachment preferred against him by the House of Representatives before the bar of the Senate on the twenty seventh day of May A.D. 1874, and that the Sergeant at arms is hereby ordered to deliver to the said John E. Bennett such precept, together with a copy of the said articles of impeachment if he be found or by leaving a copy of such precept and articles of impeachment at his residence with some member of his family over sixteen years of age.

J. G. Frierson

Which was adopted.

Also the following:

Mr. President – I move that the Secretary of State be and he is hereby directed to issue summons against E. J. Searle Associate Justice of the Supreme Court of the State of Arkansas, commanding him to appear at half past two o'clock p.m. on the 7th day of December 1874 before the Senate and answer certain articles of impeachment preferred against him by the House of Representatives before the bar of the Senate on the twenty eighth day of May A.D. 1874, and that the Sergeant at arms is hereby ordered to deliver to the said E. J. Searle such precept, together with a copy of said articles of impeachment if he be found or by leaving a copy of such precept and articles of impeachment at his residence with some member of his family over sixteen years of age.

J. G. Frierson

Which was adopted.

Also the following:

Mr. President – I move that the Secretary of State be and he is hereby directed to issue summons against William H. Gray Commissioner of Immigration and State Lands of the State of Arkansas, commanding him to appear at 3 o'clock p.m. on the Seventh day of December 1874 before the Senate and answer certain articles of impeachment preferred against him by the House of Representatives before the bar of the Senate on the twenty seventh day of May A.D. 1874, and that the Sergeant at arms is hereby ordered to deliver to the said William H. Gray such precept together with a copy of said articles of impeachment if he be found, or by leaving a copy of such precept and articles of impeachment at his residence with some member of his family over sixteen years of age.

J. G. Frierson

Which was adopted.

Also the following:

Mr. President – I move that the Secretary of State be and he is hereby directed to issue summons against William S. Oliver, Sheriff of Pulaski County and State of Arkansas commanding him to appear at two o'clock p.m. on the seventh day of December 1874, before the Senate, and answer certain articles of impeachment preferred against him by the House of Representatives before the bar of the Senate on the twenty seventh day of May A.D. 1874, and

that the Sergeant at arms is hereby ordered to deliver to the said William S. Olcott such process together with a copy of the said articles of impeachment if he be found, or by leaving a copy of such process and articles of impeachment at his residence with some member of his family over sixteen years of age

J. G. Foreman

Which was adopted

Senator Beaver moved that the Committee on Elections be requested to return to the Senate instanter the Petition of P. H. Wheat for a seat in this body

Which was agreed to.

Senator Belden as chairman of the Committee on Elections presented the following report:

Mr. President — Your committee on Elections have returned the Petition of P. H. Wheat praying to be seated in this body to the Senate presenting the same under order of the Senate.

Belden
Chairman

Which was read and received.

Senator Dusenberry called up House Bill No. 78 entitled an Act to supply deficiencies in the State Departments

Which was read the second time.

And under a suspension of the rules was read a third time ~~by title~~ and placed upon its final passage.

The question being shall the Bill pass it was decided in the affirmative.

Those Senators who voted in the affirmative were Arthur Brown Burr Dusenberry Foreman Hawks McChesney Pollard Rutcliffe Scott Thomas White — 12

Those who voted in the negative were Belden Dawson Longyear Sawyer — 4

So the bill passed.

Senator Foreman called up House Bill No. 80, entitled an Act to establish a supervision of Insurance Companies and for other purposes.

Which was read the first time.

Senator Foreman moved ~~to suspend the rules of the Senate~~ in order that the Bill might be read a second time by title

Which was lost.

A committee from the House of Representatives was here announced the chairman of whom stated that the House ~~announced~~ was ready to receive the Senate in joint Session for the purpose of voting for commissioners under the Militia Bill.

The Senate then at half past ten o'clock proceeded to the Hall of the House of Representatives Joint Session. The Secretary called the roll of the Senate when the following Senators answered to their names Arthur Belden Brown Burr Dawson Dusenberry Foreman Jones Longyear McCall McChesney Pollard Rutcliffe Sawyer Scott Thomas White — 17.

The Clerk of the House called the roll of Representatives, when the following members answered to their names, Anderson Arnold Barton Beardsley Beasley Bidenthal Burton Carter Cate Chandler Chapin Coffin Conway Crowley Cunningham Dennell Davis Davies

Duffin Eagle Files Foreman Foster Gilbreath Gist Gossett Hart Hawkins Hixon Hopkey Hinds King Johnson B.W. Johnson C.C. Johnson L.L. Lester Marsh Mitchell Murphy McAllen McGuire Preston Scott Smith Sumpter Thompson Thompson J.M. Thompson L.L. Tillman Venable Wasson Whelan White Williams Wright & The Speaker.

The business in order being the election of Commissioners under the provisions of an act (H. B. 72) in reference to the militia accounts and for other purposes.

The following gentlemen were placed in nomination John R. H. Scott, John Nagle, S. L. Griffith & B. B. Beams.

On the first ballot Mr. Beams received 60 votes on first ballot as follows: Senator Aiken Belden Brown Burn Busbee Frierson Lowery McCabe McChesney Pollard Ratcliffe & Scott Reps. Beardsley Bearley Bridwell Bunton Carter Cate Chandler Chaplin Coffin Conway Crowley Cunningham Doswell Davis Duffie Eagle Files Foster Gilbreath Gist Gossett Hart Hopkey Hinds King Johnson C.C. Johnson L.L. Lester Marsh Mitchell Murphy Montgomery Pindall Preston Rice Smith Sumpter Thompson J.M. Thompson L.L. Tillman Wasson Whelan White & Wright & The Speaker = 60.

Mr. Nagle received 7 votes as follows: Senators Dawson Lowery Torrens White & Hawkins Reprentatives McGuire Williams.

Mr. Scott received 8 votes as follows: Senator Jones Reprentatives Davis Irwin Foreman Hixon McAllen Scott White. — 8

Mr. Griffith received 2 votes as follows: Reprentatives Frierson & Venable. 2.

B. B. Beams having received a majority of all the votes cast was declared elected one of the three Commissioners on the first ballot.

On the second Ballot the following gentlemen were placed in nomination J. P. Bunton D. A. Robinson J. T. M. Tillman & J. P. Eagle.

Mr. Bunton received 58 votes on first Ballot as follows: Senator Aiken Belden Brown Burn Busbee Jones Lowery McCabe McChesney Pollard Ratcliffe Lowery Scott & Torrens Reps: Beardsley Bearley Bridwell Bunton Carter Cate Chandler Chaplin Coffin Conway Crowley Cunningham Doswell Davis Duffie Eagle Files Foster Gilbreath Gist Gossett Hart Hopkey Hinds King Johnson C.C. Johnson L.L. Lester Marsh Mitchell ~~Murphy~~ Montgomery Pindall Preston Rice Smith Sumpter Thompson J.M. Thompson L.L. Tillman Wasson Whelan & Wright. The Speaker.

Mr. Robinson received 11 votes as follows: Sr. Dawson Reps. Beardsley Brown Eagle Hawkins Johnson C.C. Murphy McGuire Scott & S. White & Williams.

Mr. Tillman received 3 votes as follows Sr. Frierson & White Reps. King ~~Murphy~~ ~~Scott~~.

Mr. Eagle received 3 votes as follows: Reps. Andrews Arnold & Foreman

Mr. J. B. Bunton having received a majority of all the votes cast was declared elected one of the Commissioners.

On the third Ballot the following gentlemen were placed in nomination: J. P. Eagle D. A. Robinson John Nagle & J. H. Berry.

Mr. Eagle received 61 votes on first ballot as follows: Sr. Aiken Brown Burn Frierson Jones Lowery McCabe McChesney Pollard Ratcliffe Sumpter Scott. Reps:

Anderson Arnold Barton Beasley Bidwell Binion Carter Cate Chandler Chaplin Coffin Conway Crowley Doswell Davis Davies Duffies Erwin Files Foreman Foster Gilbreath Gist Gossett Hall Hilsman Hines Johnson B.W. Johnson L.L. Lester Marsh Mitchell McClellan Montgomery Pindell Preston Reid Smith Sumpter Thompson J.M. Thompson D.W. Thompson L.L. Tilley Venable Wagner Wheeler White Wright & Speaker

Mr. Robinson received 13 votes as follows: Sr. Dawson Duke & White - Reps: Beardsley Cunningham Eagle Hawkins Hughes Johnson C.C. Murphy McLure Scott & Simpson.

Mr. Neale received 2 votes as follows: Sr. Beldin & Torrans

Mr. Burns received 1 vote as follows: Rep. Wheat.

Mr. J. P. Eagle having received a majority of all the votes cast was declared elected one of the three Commissioners.

Then on motion of Rep. Chapline the Joint Session was dissolved and the senate returned to their Chamber.

Upon reassembling Senator Burns called up House Bill No. 75 entitled An act to attach the county of Lincoln to the 3d Congressional District.

Which was read the 3d time and passed upon its final passage.

The question being shall the bill pass it was decided in the affirmative.

Those Senators voting in the affirmative were Arthur Beldin Brown Burns Dawson Duke Foreman Hawkins Jones McCabe McChesney Pollard Ratcliffe Sawyer & Scott 18.

In the negative Srs. Torrans & White - 2.

So the bill passed.

Senator Scott called up House Bill No. 36. entitled An act for the relief of the citizens of the several counties of this state.

Which was read the first time.

And under a suspension of the rules was read a second time by title.

Senator Brown moved a further suspension of the rules in order that the Bill might be read a third time by title.

Which was lost.

Senator Brown called up Sub. for House bills No. 29 and 42 entitled An act to regulate the licensing of Drum shops & other purposes.

Which was read the first time.

And under a suspension of the rules was read the second time by title.

And under a further suspension of the rules was read the third time by title and passed upon its final passage.

The question being shall the bill pass it was decided in the affirmative.

Those Senators who voted in the affirmative were Arthur Burns Beldin Brown Burns Dawson Duke Foreman Hawkins Jones Langley McCabe McChesney Pollard Sawyer Torrans & White - 17

In the negative Senator Ratcliffe.

So the Bill passed.

Senator Torrans called up House bill No. 9 entitled An act to repeal an act to regulate the publication of legal notices

Which was read the first time.

And under a suspension of the rules was read the second time by title.

And under a further suspension of the rules was read the third time and passed upon its final passage

The question being shall the bill pass it was decided in the affirmative.

Those who voted in the affirmative were Senators Aspero Beavers Belden Brown Duncan Dunn Frierson Hanks Jones Lovejoy McCabe McCharney Pollard Ratcliffe Sawyer Scott Torrans - 18.

In the negative none.

So the bill passed.

Senator Torrans moved that the committee appointed to confer with the Congressional Committee be increased to five members.

Which was agreed to, and the President appointed as such Committee Senators Torrans Frierson Dawson Ratcliffe & Lovejoy.

Senator Aspero called up House Bill No. 43 entitled An act for the relief of purchasers of School lands.

The further consideration of which on motion of Senator Torrans was indefinitely postponed.

Senator Lovejoy asking leave to withdraw the petition of Pat H. Hurst contestant from the 12th Senatorial District

Which was granted.

Senator Torrans moved that the President of the Senate be directed to sign the certificate of James M. Johnson Sec. of State for $2000. for making repairs in the State House Yard.

Which was agreed to.

Senator Belden as chairman of the committee on Education presented the following report:

Senate Chamber
Little Rock May 27th 1874.

Mr. President & Gentlemen Committee to whom was referred H. B. No. 43 Able to be entitled An act for the relief of purchasers of School lands. have had the same under consideration and recommend its passage with the following amendment: That to Sec. 2 be added the following: provided that this act shall not have the effect to make valid payments made in confederate money beyond the cash value of said confederate money at the time said payments were so made

Belden
Chairman Com. on Education

Which was read and received.

Senator Brown offered the following resolution:

Resolved. That the thanks of this Senate is especially due and are hereby tendered to Hon. K. V. Smith, President of the Senate for his uniform courtesy and the fair, impartial and dignified manner in which he has presided over the deliberations of this body during the present extraordinary session thereof.

Which was adopted.

Senator Dawson offered the following resolution:

Resolved, That the thanks of the Senate are hereby tendered to Hon. N. N. Beach Secretary of the Senate and to his efficient Corps of Clerks and assistants for the able and commendable manner in which they have discharged their arduous duties of their various offices

Which was adopted.

The hour of Twelve having arrived, The President rose and said,

Senators:

The hour has now arrived, at which, by a Joint resolution of the General assembly, the President of the Senate is to declare this body adjourned until the first Monday in December next.

I presume, Senators, in parting from you, that this is the last time I will meet you upon the floor of this House. You have passed a bill providing for a Constitutional Convention, to assemble in this City, on the 14th day of July next. That Convention will, undoubtedly, provide for an election of all the officers of the State, to take place before the meeting of this General Assembly, as provided for in the resolution of adjournment. In that event, I presume, there is no Senator here, who expects to resume his seat at the time fixed by the resolution for meeting. I cannot declare this Senate adjourned, under these circumstances, without expressing my regrets that I will be unable, in all probability, to meet you here again. Whatever I go, whatever relations I may bear toward the people of the State of Indiana hereafter, I am glad to say, that not a single thing has occurred in this chamber, to mar, in any respect, the good will and feeling, that I bear toward every Senator upon this floor.

I hope, Senators, that the legislation of the session, may be for the best interests of the people of the State. I hope that all your expectations may be fully realized, and that the interests of the people will be subserved by your action.

I now, Senators, in obedience to the resolution, declare the Senate adjourned until the first Monday in December next.

When the hammer fell at 12 o'clock M. Thursday May 28th 1874

attest

H. H. Brect
Secretary.

V V Smith
President